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ABSTRACT

This report discusses the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1991. Section I provides background information on child abuse, family violence, and adoption opportunities, and addresses the need for reauthorization legislation. Section II provides a list of witnesses from relevant hearings, and briefly describes the primary issues raised. Section III, "Committee Views," addresses the following child abuse issues: U.S. Advisory Board, state grants program, change in title of grant program and purposes, requirements for applying and reporting, state task force, community-based prevention grant, child maltreatment and homelessness, child maltreatment and substance abuse, child abuse treatment improvement grants program, and emergency child abuse prevention. Also covered are committee views on family violence and adoption opporunities. Section IV, "Votes in Committee," notes that Senate bill 838 was approved by the committee. Section V describes the Congressional budget office cost estimate for the bill. Section VI states the inflationary or regulatory impact of the bill. Section VII provides a section-by-section analysis of Senate bill 838. The final section contains a detailed description of the changes in existing law. Sections are reviewed under the following titles: miscellaneous programs, community-based child abuse and neglect prevention grants, certain preventive services regarding children of homeless families or families at risk of homelessness, and family violence prevention and services. (LLL)

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CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION AND FAMILY SERVICES ACT OF 1991

SEPTEMBER 27 (legislative day, SEPTEMBER 19), 1991.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 838]

The Committee on Labor and Human Resources, to which was referred the bill (S. 838) having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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On April 17, 1991, a bill to reauthorize the Child Abuse Prevention and Treatment, Adoption Opportunities and Family Violence Prevention and Services programs, S. 838, was introduced by Senators Dodd, Coats, Kennedy, Pell, and Adams. The bill was referred to the Committee on Labor and Human Resources. Subsequently, it was referred by the Chairman of the Labor Committee to the Subcommittee on Children, Family, Drugs and Alcoholism.

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I. Background and Need for Legislation

A. CHILD ABUSE

The first Federal programs specifically designed to address child abuse and neglect in this country were authorized under the Child Abuse Prevention and Treatment Act (Public Law 93-247), enacted in 1974. This legislation provided Federal financial assistance for identifying, preventing, and treating child abuse and neglect. The Act has since been extended through fiscal year 1991 and has been amended to expand the scope of activities.

The original Child Abuse Prevention and Treatment Act (CAPTA) authorizes the creation of a National Center on Child Abuse and Neglect to help establish the parameters of the problem and to provide incentives for developing effective methods of treatment. The Act also authorized demonstration grants and a State grant program for activities relating to preventing and treating child abuse and neglect. To be eligible for funding under the State grant program, States were required, in part, to establish systems for reporting child abuse and neglect, investigating such reports, and providing immunity from prosecution for persons so reporting.

In 1978, the Act was amended by Public Law 95-266, which extended the programs under the Act through fiscal year 1981 and, among other things, expanded the Center's grant making authority. It also required the establishment of research priorities and earmarked funds for the prevention and treatment of child sexual abuse.

In 1981, the child abuse prevention and treatment programs were extended through fiscal year 1983 under the Omnibus Budget Reconciliation Act (Public Law 97-457). In 1984, the programs were extended through fiscal year 1987 under amendments to the CAPTA (Public Law 98-457). The 1984 amendments expanded the Center's responsibilities to include additional studies and required, as an additional criterion for eligibility for the State grant program, that States implement systems for responding to reports of medical neglect. A new State grant program and other assistance were also authorized to help States develop and run systems for responding to incidents of medical neglect, including withholding of medically indicated treatment from disabled infants with life-threatening conditions.

In 1986, the CAPTA was amended by provisions of the Children's Justice and Assistance Act (Public Law 99-401), which established a new State grant program under this Act for improving the administrative and judicial handling of child abuse cases, especially those involving child sexual abuse. Funding for this program comes from fines collected from persons convicted of certain Federal offenses.

CAPTA was most recently reauthorized in 1987 (Public Law 100-294)—extending its programs through fiscal year 1991. The 1987 amendments established a new interagency task force and a newly constituted Advisory Board on Child Abuse and Neglect.

Testimony in hearings before the Committee in 1990 convincingly stated that child protection services have been severely strained and at times unable to provide adequate care for maltreated chil-

dren and families in distress. In 1990, an estimated 2,508,000 children were reported as victims of child abuse or neglect, representing a 31 percent increase in reports between 1985 and 1990. Child deaths due to maltreatment have also increased—by 38 percent since 1985—with an estimated 1,211 children found dead from abuse or neglect in 1990.

The numbers of children requiring protective services have likewise surged. Nationally, 276,000 children were in foster care in 1985, but this rose to 407,000 in 1990. Even more alarming are current projections that 553,600 children will be in foster care by 1995. The Connecticut Department of Children and Youth Services served an average of 11,638 cases per month in 1987. This increased to over 14,000 per month by 1989.

The complexity of the cases, furthermore, has deepened. A 1990 Connecticut survey by The Children's Concern identified five leading contributors to child abuse and neglect: parental substance abuse, poor parenting skills, poverty, lack of affordable housing, and unemployment. These daunting root causes of child abuse and neglect have contributed to the recidivism seen in foster care. Thirty percent of children placed in 1985 had previously been in care—a near doubling of the estimated sixteen percent in 1983.

The ability of child welfare agencies to protect children, however, has not substantially improved in recent years. Over half the states in 1990 received no real increase in State funding to help meet the load of reported cases. Federal support has been inadequate as well. The U.S. Advisory Board on Child Abuse and Neglect reported in 1990 that Federal funds for child abuse and neglect have been "insufficient," leading to an "enormous * * * disparity between Federal appropriations and the rise in the child protection system caseload." Indeed, the Committee notes that since 1985 the Federal budget for the National Center on Child Abuse and Neglect has actually dropped below the 1985 level in real dollar terms.

The Child Abuse Prevention Federal Challenge Grants Act was enacted on October 12, 1984 as Title IV of Public Law 98-473, the continuing appropriations bill for fiscal year 1985. In enacting this legislation the Congress found that since 1980 certain States had begun to recognize the critical need for child abuse prevention efforts and had established Children's Trust Funds. These State funds were generated by surcharges on marriage licenses, birth certificates or divorce actions, or by a special checkoff on State income tax returns, to allow States to pay for child abuse and neglect prevention activities, in the face of depressed State economies and budget cutbacks. Money for child abuse prevention projects has historically been lacking because of the need to direct limited resources toward treating the increasing numbers of children already abused. Only one or two States had direct appropriations to support the broad range of child abuse and neglect prevention activities.

At the time, no Federal funds were directed specifically at assisting State Efforts to prevent child abuse and neglect. When the legislation was enacted, twenty States had set up special funds for child abuse prevention. The kinds of programs supported by these special funding mechanisms range from classes on parenting and

coping with family stress to statewide public education campaigns and special sexual abuse prevention training for children. The Challenge Grant program was developed to encourage all States to establish and maintain significant funds supporting child abuse prevention projects. The number of States receiving child abuse prevention funding under the Challenge Grant program has increased from 33 States in fiscal year 1986, the first year of appropriations for the program, to 47 States awarded a total of $4,933,501 in fiscal year 1990.

The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (Public Law 101-126) reauthorized the Challenge Grant program through fiscal year 1991 and transferred it to the Child Abuse Prevention and Treatment Act as Title II. The program is administered by the National Center on Child Abuse and Neglect (NCCAN) in the Department of Health and Human Services (HHS). HHS announces the availability of Federal funds and determines state eligibility for Federal challenge grants. Subject to appropriations, States are awarded the lesser of (1) 25 percent of State funds made available for prevention in the previous year or (2) 50 cents for every child living in the State.

To qualify for challenge grant funds, States must make non-Federal money available that is dedicated to prevention activities through a trust fund or "other funding mechanism." Thus, States funding prevention through other mechanisms currently also receive Federal support. Examples of other funding mechanisms that HHS has accepted as eligible for matching funds are (1) direct line-item state appropriations for prevention, (2) grants from private foundations, and (3) prevention programs funded outside of the State's Childrens Trust Funds through departments of social services and other administrative budgets.

The need continues for Federal grant support to encourage States to allocate funds for the prevention of child maltreatment. According to a May 1991 report from the U.S. General Accounting Office (*Child Abuse Prevention: Status of the Challenge Grant Program*) a few States expect legislative changes that could result in lower trust fund revenues. For example, changes in the State income tax form in Oregon and Indiana will likely reduce trust fund revenues. In Connecticut, the appropriation to the trust fund was cut so that the trust fund must now rely on private funding and challenge grants to fund prevention. Massachusetts reduced its fiscal goal because of State economic problems. A continuing recession or worsening fiscal crises in the States, as experienced in 1990, could threaten prevention spending in other States as well.

In each fiscal year since 1986, the challenge grant program has disbursed slightly under $5 million, the complete appropriation. To fully match funds raised by the States, $9 million would have to have been appropriated in 1989. After a decade of increases in trust fund revenue, fiscal year 1990 revenues totaled $28 million, excluding $5 million in Federal funds.

The number of grants awarded by State trust funds continues to increase, with 1,357 grants funded in fiscal year 1990. The average grant size ranged from a low of $1,700 in North Dakota to a high of $75,000 in Florida. Of those grants, 29 percent addressed general parenting education and support for all parents. Other types of

programs funded included education and support for new parents only, child sexual assault prevention programs, and life skills training and pre-parenting instruction for teens and young adults. Highlights of the fiscal year 1989 programs included Montana's TOUCH project, in which a troupe of high school students performs a play aimed at preventing child abuse; it was performed 29 times in 13 different communities, reaching 1,065 elementary age students. Kansas funded a parenting education and child care training program for 95 teenage mothers in the Topeka public schools. New York established a team, made up of a social worker, a child development psychologist, and two pediatricians, to work with community agencies to offer home visits, parenting skills education, therapeutic play groups, individual counseling, and peer group counseling to young parents from East Harlem and South Bronx; the program ensures that the adolescent parents receive comprehensive medical, social, and educational services from the prenatal period through their child's first years of life.

B. FAMILY VIOLENCE

Recognizing the tremendous social cost incurred as a result of spousal abuse, Congress passed, in 1984, the Family Violence Prevention and Services Act (Public Law 98-457) as part of a bill amending the Child Abuse Act. As originally enacted, the Act authorized monies for projects to demonstrate the effectiveness of assistance to States to prevent family violence, provide shelter and related assistance to victims of family violence, and provide technical assistance and training to States, local public agencies, nonprofit private organizations, and other persons seeking such assistance.

Domestic violence programs had in fact preceded Federal legislation. Shelters were first established in 1975. The number of shelters in the United States has subsequently increased from just four to over 1200. Between 60 percent and 70 percent of women who utilize shelters do not return to their abusive partners after their stay (Strube, 1988). The availability of shelters has also been associated with a decline in the rate of female-perpetrated homicide against a partner (Browne & Williams, 1989).

Nonetheless, three out of four women who seek the safety of a family violence shelter are denied access due to insufficient space. Women continue to face the dilemma of living amidst violence or fleeing. Forty percent of the homeless women in New York are thought to be victims of family violence. Research has shown that lack of economic support and having no place to go are predictive of return to an abusive spouse after a stay at a shelter.

Victims of family violence need several sources of support to reestablish safe lives. Financial assistance is usually critical. Many victims, however, are intimidated by the process of obtaining assistance or uncertain about how to obtain such services. Shelters play a crucial role in linking victims to the appropriate services for transportation and technical assistance, helping to ease the transition between shelter residence and permanent housing and employment.

Federal and State programs offer victims and their children affordable housing, child care, and job training, but many victims of

family violence also need health care and substance abuse treatment. Family violence programs, however, can only refer victims for these services; they do not directly provide treatment nor can they pay for outside counseling or health care services because of scarce resources. Directing money towards these ancillary efforts diminishes the ability of family violence programs to carry out their main objectives.

Current law does not specify legal advocacy as a service that shelters should provide. Such advocacy, however, is necessary for family violence victims to obtain legal protection. Many battered women are unfamiliar with or frightened by the court system. Legal advocacy programs, currently available in some family violence programs, inform victims of their legal rights and options. Legal advocates walk victims through the court system, diminishing their level of anxiety and helping to secure legal protection. Without advocacy, many victims would never enter the court system. Those who do are often threatened by their partner or discouraged by court personnel from completing the legal proceedings that they have initiated. Legal advocacy greatly increases the likelihood that victims will be able to use the court system to obtain protection.

Parental and children's needs were also excluded from current law. Victims of family violence need child care so that they can seek employment or housing. Their children, who witness family violence, are at risk for a variety of psychological complications such as poor conduct, aggressive behavior, low self-esteem, and depression. These children are themselves at greater risk of being abused. Many need immediate assistance in overcoming the psychological trauma of home violence. This assistance includes: protection, education, support, and counseling. Untreated children are at high risk for juvenile delinquency and abusive behavior themselves. Early intervention is critical to break the cycles of victimization leading to abuse perpetration.

Prevention services are also critical to the disruption of transgenerational abuse. Many studies have shown that male children who experience violence in their family—either observed against their mother or directed against themselves—grow up to become the perpetrators of family violence in adulthood and make up the overwhelming majority of those who engage in other violent behavior and are incarcerated for other crimes. Two types of prevention services are needed: prevention services to reduce the potential for future violence in individual families as well as primary prevention efforts and public awareness campaigns to reverse public toleration for this violence.

Despite the need for additional services, many women are unaware of the existence of battered women's shelters. Professionals, such as the police, physicians, nurses, social workers, psychologists, and psychiatrists are uninformed and therefore fail to provide victims with information about potentially critical community resources.

While the availability and effectiveness of shelters have improved, related professions and services (i.e. judges, lawyers, law enforcement, public assistance services, and health care providers) have lagged behind. Victims of family violence have been misla-

belled or gone unidentified at health and legal institutions. Traditionally, battered women have been treated psychiatrically and then sent home to the abusing partners. Recent studies indicate that as many as 40 percent of women presenting to emergency rooms are victims of spousal assault (Stark and Flitcraft, 1988).

Widespread misconceptions about family violence make it difficult for victims to garner support and understanding. One study found that 50 percent of a middle class, well-educated community believed in several harmful myths about family violence, i.e. battered women are capable of leaving if they want to and are capable of stopping their partner's violence through counseling.

Proper training of professionals and service providers promotes effective and more appropriate responses to victims' needs. Amendments in this Act provide for increased funding for education and training, as well as wider public awareness about the nature and effects of family violence.

C. ADOPTION OPPORTUNITIES

The Adoption Opportunities program was authorized in 1978 as Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95-266. Its purpose is to assist the States by facilitating the elimination of barriers to adoption and the provision of permanent and loving home environments for children who would benefit from adoption, particularly children with special needs.

The initial thrust of the legislation was the development of a Model Code on Adoption. The Child Abuse Amendments of 1984, Public Law 98-457, mandated additional research and data collection under the adoption opportunities program, and created statutory requirements relating to newborn infants with life-threatening conditions.

Congressional hearings held in 1987 brought to light the lack of targeted, comprehensive efforts to obtain placement in adoptive homes for minority children who, along with children who were members of sibling groups, school-age or disabled children, were historically underserved. In addition, a growing incidence was cited of adoptive families in need of mental health services ranging from mental health counseling to out-of-home placement.

In response Congress enacted the Minority Children Placement program and the Post Legal Adoption Services program as part of Public Law 100-294.

Meanwhile, the proportion of minority children in the foster care system is not three times greater than the proportion of these children in the general population. According to the National Resource Center for Special Needs Adoption in Spaulding, MI, of the 31,000 children currently free for adoption and awaiting placement nationally, at least 50 percent are children of color. Data from the North American Council for Adoptable Children indicate an additional 40,000 children nationwide who have a plan of adoption but who are not yet legally free. The Center estimates that if current rates continue, the number of minority children and children with special needs who are waiting for adoption will more than double by 1995. Minority children, furthermore, are more likely to wait

longer for permanent placement. One study notes that the median length of stay for African American children in foster care is one-third longer than the national median.

II. Hearings

A. CHILD ABUSE

A hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources on September 27, 1990. The primary issues raised by the witnesses included: child abuse and neglect is growing at an alarming rate and constitutes a national emergency; the child protection system is severely strained and in danger of collapse; a broad, coordinated, multi-disciplinary, inter-agency, public-private effort is needed to address the emergency; early intervention and community-based programs hold the best likelihood of success.

Witnesses

Martin H. Gerry, Assistant Secretary for Planning and Evaluation, Department of Health and Human Services; Wade Horn, Commissioner, Administration for Children, Youth, and Families, Department of Health and Human Services; Janet Dill and Herbert Dill, recipients of Family Preservation Services, Greenfield, IN; Lavine Bulls, recipient of Family Preservation Services, New Britain, CT; Sheila Mills, recipient of Child Protective Services, New Britain, CT; Dr. Richard Krugman, Chairman, U.S. Advisory Board on Child Abuse and Neglect; Ann Cohn, Executive Director, National Committee for Prevention of Child Abuse, Chicago, IL; Dr. Sheryl Brissett-Chapman, Associate Director, Clinical Services, Research and Administration, Division of Child Protection, Children's National Medical Center, Washington, DC; Marie Matava, Commissioner, Massachusetts Department of Social Services, Boston, MA.

A second hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources on February 11, 1991 in Hartford, CT. The primary issues raised by the witnesses included: the crisis encompassing child protective services in Connecticut culminating in a class action suit and judicial intervention; primary prevention programs, education and preventive support services as effective means of reducing child abuse.

Witnesses

Nancy Humphreys, DSW, Dean, University of Connecticut, School of Social Work, Storrs, CT; Dr. Rose Alma Senatore, Commissioner, Department of Child and Youth Services, Hartford, CT; Single Mother, The Madonna Place, Norwich, CT; Lynn Andrews, Director of Training Resources & Education; Barry Kasden, Director, Milford Mental Health Clinic, Milford, CT; Mark D. Simms, MD, MPH, Medical Director, Pediatric Ambulatory Care Unit, The Waterbury Regional Department of Pediatrics, St. Mary's Hospital, Waterbury, CT.

A third hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and

Human Resources on April 16, 1991. The primary issues raised by the witnesses included: the enormity of the problem of child abuse and its profound and long-range effects on child victims; the crisis facing child protective services that have constrained resources at a time of greater need and increased complexity of cases.

Witnesses

Judge Robert Zampano, Senior U.S. District Judge, Federal District Court, New Haven, CT; Ms. Barbara Sinatra, Founder, Barbara Sinatra Center, Rancho Mirage, CA; Dr. Carolyn Newberger, Director, Victim Recovery Study, Children's Hospital Medical Center, Boston, MA; Mr. Phil Newsome, Bureau Chief, Department of Social Services, Prince Georges County, MD; Ms. Helen Libey, Assistant Bureau Chief, Department of Social Services, Prince Georges County, MD; Mr. David Stewart, Child Protective Services Worker, Department of Social Services, Prince Georges County, MD; Dr. Richard Krugman, Chairman, U.S. Advisory Board on Child Abuse and Neglect, Washington, DC; Mr. Gary Allen, Wallingford, CT; Dr. Deborah Daro, Director, Center on Child Abuse Prevention Research, National Committee for Prevention of Child Abuse, Chicago, IL; Janet Wiig, Assistant Commissioner, Family and Children's Services, Minnesota Department of Human Services, Minneapolis, MN.

B. DOMESTIC VIOLENCE

A hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism, of the Committee on Labor and Human Resources, on April 19, 1990. The primary issues raised by the witnesses at the hearing included: the effects of violence in the home, focusing on Federal efforts to prevent family violence and to provide shelter and assistance to battered women and their children.

Witnesses

Mary Pat Brygger, Executive Director, National Women's Abuse Prevention Project, Washington, DC; Annette Stewart, victim of domestic violence, New York, NY; Sara Buel, Harvard Legal Aid Bureau, Cambridge, MA; Naomi Tropp, The Julian Center, Indianapolis, IN; Jann Jackson, House of Ruth, Baltimore, MD; Barbara Zeek-Shaw, Project Safeguard, Denver, CO; Dr. Anne Flitcraft, Assistant Professor, University of Connecticut, School of Medicine, New Haven, CT; Eli J. Miletich, Chief of Police, Duluth, MN.

A second hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism, of the Committee on Labor and Human Resources, on July 9, 1991. The primary issues raised by witnesses at the hearing included: the role of state domestic violence coalitions; correlations between child abuse and spousal abuse; models of successful treatment and prevention.

Witnesses

Senator Harry Reid, U.S. Senator from Nevada; Dr. Angela Browne, Public Sector Division, Department of Psychiatry, University of Massachusetts Medical School, Worcester, MA; Ms. Sherrie Williams and Ms. Latasha Williams, Hartford, CT; Ms. Maureen

Whalen, Hamden, CT; Ms. Denise Gamache, Former Prevention Coordinator, Minnesota Coalition for Battered Women, St. Paul, MN; Ms. Jan Jackson, Associate Director, House of Ruth, Baltimore, MD; Ms. Anne Menard, Executive Director, Connecticut Coalition Against Domestic Violence, Hartford, CT; Ms. Barbara Hart, Staff Counsel, Pennsylvania Coalition Against Domestic Violence, Reading, PA.

III. Committee Views

A. CHILD ABUSE

Prior to the inception of the CAPTA programs, State legislatures and juvenile courts addressed the sensitive issue of medical neglect with the context of non-medical (including appropriate religious) practices. The States have evolved a reasonable balance on this issue, specifically matching their practices to local conditions and programs. The Committee notes that it has received information that the Department of HHS, or field offices, are attempting to change this by imposing a more stringent standard regarding these procedures and their relationship to State programs under this Act. This is a matter of concern to some members of the Committee who believe that States participating in the program should have the latitude to decide for themselves what constitutes adequate health care or medical care. The Committee will continue to monitor this issue.

U.S. Advisory Board

Congress established the Advisory Board on Child Abuse and Neglect in 1987 (Public Law 100-294) to evaluate national progress towards achieving the purposes of the Child Abuse Prevention and Treatment Act. The Board was also charged with making recommendations to Congress, the Secretary of HHS, and the Director of the National Center on Child Abuse and Neglect on ways to better achieve these purposes.

The Committee is impressed with the accomplishments of the Board. Their first report is the most comprehensive policy document on the problem of child maltreatment developed in the U.S.; the second report provides the basis for thoughtful reform of the child protection activities of the Federal Government.

The Committee concurs with the Board's view that the response to child maltreatment must be multi-disciplinary and believes that the Board should be supported in its efforts to promote interdepartmental and interagency cooperation. An annual appropriation for Board operations has therefore been authorized.

The work of the Board would also be enhanced by further autonomy; the Board should continue to elect its own officers and formally have the authority to establish its own procedures. This matter is important as it relates to the ability of the Board to render independent judgments. Current law is amended in this reauthorization so that all proposed and final regulations, guidelines, program announcements, and operating procedures developed to implement a Federal child maltreatment program may not be promulgated until the board has had 30 calendar days to review the documents in question. That review would include the opportunity

to provide written comments on the documents to the promulgating agency.

The Committee, moreover, believes that the Board should have the latitude to render advice, even if it is not called upon to do so by a Federal entity. Such advice should be rendered to all relevant branches of government, including Congress and the Departments of Justice, HHS, Education, Housing and Urban Development, and Agriculture. Many important topics related to the protection of children warrant greater attention than can be given in an summary annual report. An example of such a topic is the coverage by health insurers of the treatment of child abuse. The Committee holds that the Board has the responsibility to develop and issue reports on such topics as it deems necessary.

The Committee expects the Secretary to continue to appoint the most qualified individuals to the Board, by establishing a vigorous recruitment, nomination, and selection process.

State grants program

The Committee believes that this legislation addresses many of the difficulties that States confront in striving to prevent the abuse and neglect of children. In reauthorizing the Child Abuse Prevention and Treatment Act, S. 838 focuses Federal grant support to States to improve overburdened child protective service systems. The bill changes the nature of the CAPTA State grant program from one of support for a broad range of discretionary activities to one which concentrates, at an authorized funding level of $100 million, on helping States improve their child protective services. While other Federal programs assist States in dealing with cases of maltreated children requiring intensive intervention, including foster care, no other Federal program specifically targets the primary operations of the child protective service agency. The Committee finds this to be a serious gap in federal assistance to the child welfare system which S. 838 seeks to address. Indeed, funds authorized under section 110 of the bill should help to respond in part to the national emergency in child protection which the U.S. Advisory Board on Child Abuse and Neglect identified in its 1990 report.

In redirecting the CAPTA State grant program, the legislation authorizes grants to assist States in improving their child protective service systems in: (1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decision making, public awareness, and training of staff; (2) investigating reports through improved decision making and training of staff, use of multidisciplinary teams and interagency protocols for investigations, and legal representation; (3) case management and delivery of services to families through improved response time and training of staff; and (4) general system improvements in assessment tools, automated systems, information referral, and staff training to meet minimum competencies.

The bill also would allow States to spend up to 15 percent of their grant allocations on current authorized CAPTA State grant activities in developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs. Because the Committee does not intend to disrupt State plans and

programs in child abuse and neglect in directing the focus of the CAPTA State grant program to assistance for CPS systems improvement, States may continue to spend up to 100 percent of their grants on the kinds of general activities currently authorized until appropriations for this section exceed $40 million.

Under the new State program of CPS systems improvement grants, each State, to be eligible, must submit a plan to HHS describing which of the areas (intake, investigations, case management, etc.) it wishes to address with its Federal grant funds. The plan must describe the current capacity of the system in the relevant areas for which funding support is being requested, and the manner in which the State intends to apply the funds to make improvements. Upon review of the plans by HHS, funds will be awarded to States for the CPS improvement grants.

Change in title of grant program and purposes

When originally enacted in 1986, this legislation properly focused on an issue that was then first receiving prominent national attention: the need for multidisciplinary coordination to improve criminal investigations and prosecution of child sexual abuse. The legislation recognized the lack of legal training on child victimization, rapidly changing laws, and the need for specialization on child victim issues amid frequent personnel turnovers in district attorneys' offices, child protective service agencies, and law enforcement.

Since that time, because of this legislation, programs of the Department of Justice and other activities supported by NCCAN, the nation has seen much improvement in the criminal justice system's handling of child sexual abuse cases. The Committee commends the States and the organizations that have assisted them for such progress, but cautions that much attention to criminal prosecution and law enforcement investigation is still needed throughout the nation if children are to be properly protected under the law.

However, the Committee notes that the original legislative language's focus on child sexual abuse arbitrarily limits the training needs of investigators and prosecutors responsible for child abuse cases. The cases include: (a) the sexual exploitation of children (e.g., the use of children in pornography, sexual exhibitions, and prostitution); (b) the great volume of serious child neglect cases which are increasing as a result of substance-abusing parents; and (c) the pervasive problem of serious physical abuse, and (d) the estimated 1,200 to 5,000 children a year who die as a result of maltreatment by their parents. Each of these areas demand special understanding of medical, child development, and social service agencies, police, prosecutors, medical examiners and treatment specialists. Again, while progress has been made, the flow of new cases, medical and research development, and ever-changing personnel in resource-strapped agencies make training across the spectrum of criminal child abuse cases imperative.

Further, since some states have just recently begun to take advantage of this legislation, broadening the focus to include not only child sexual abuse but child physical abuse, child abuse fatalities and child neglect will permit task forces to plan comprehensively from the start.

Requirements for applying and reporting

This grant program is being further modified to clarify the necessity of annual applications from the States to NCCAN. Further, the Committee is seeking to eliminate a serious shortcoming in the original Children's Justice Act: the lack of any requirement for annual reports to NCCAN by the States on how they used their Federal assistance to further the purposes of the Act.

State task force

All of the States were required to establish special multidisciplinary, inter-agency task forces in order to initially qualify for Federal assistance under the Act. The Committee is clarifying in the amendments the need for States to maintain their task forces in order to continue to qualify for such assistance. Because of an extraordinary rise in the number of child abuse and neglect cases heard in the civil, juvenile courts of the nation, and recognizing that child protective service agency caseworkers repeatedly find themselves in civil judicial proceedings, the composition of the State task forces is being modified slightly to enhance the consideration of improvements in the civil child protective legal and judicial process. Judges, attorneys, and where applicable, representatives of Court Appointed Special Advocate (CASA) programs—all of whom have expertise and involvement in civil juvenile court proceedings—should be added to these task forces (where they do not already serve on them) so that civil as well as criminal justice system issues can be adequately addressed in State law and procedural reform efforts.

The Act is being further amended to clarify that law and procedural reforms must: (a) be comprehensive; (b) address both civil and criminal court proceedings; (c) address not only child sexual abuse, but also physical abuse, neglect, sexual exploitation, child maltreatment fatality cases, and interjurisdicational cases; (d) seek to improve the speed and outcomes for both court cases and agency administrative actions affecting maltreated children; (e) address ways in which the performance of court-appointed lawyers and guardians ad litem for children can be improved; and (f) result in changed protocols that affect actual practice. Finally, in recognition that these State task forces need not conduct every year a comprehensive assessment as detailed above, the Committee has proposed to permit the task forces to only have to undertake their law and policy review, evaluation, and recommendation requirements once every three years after a State has initially been found eligible for Federal assistance.

Community-based prevention grant

The Committee intends through the legislation to strengthen the Federal support for State-funded child abuse and neglect prevention programs by improving upon the administration of the grants at the Federal level and providing direction to State prevention efforts receiving Federal assistance.

In response to criticism from GAO and frustrations expressed by HHS in administering the challenge grant program of matching grants to States, the bill makes changes in the formula with the

objective of making the program administration more efficient, as recommended by GAO.

As stated in the May 1991 report from GAO, "We found that about 26 percent of the funds used by States to apply for challenge grants came from trust funds and direct appropriations. However, many States applied using other funding mechanisms, including State social service programs, which accounted for 74 percent of State applications. This complicated grant administration because the Department * * * had to scrutinize these other funding mechanisms."

As stated by the Department of Health and Human Services, in a 1990 communication to challenge grant applicants, "The fundamental requirement for eligibility under this program is that the State established and maintained in the previous fiscal year a discrete funding mechanism for child abuse and neglect prevention only." The Committee finds this to be an appropriate definition of a children's trust fund. As the HHS communication goes on to point out, difficulty has arisen with States claiming matching funds for other State social service programs which may be related to the prevention of child abuse but are not even administered by the children's trust fund. According to HHS, "This flexibility has created undue burdens in preparation and review of applications, and has resulted in confusion and concerns expressed by a number of States about the equitable distribution of funds."

Consequently, the legislation deletes the phrase "or other funding mechanisms" from the statutory description of eligible State funds for Federal matching grants under the law to eliminate the confusion and administrative burden which has developed. In its place, the legislation would add "or dedicated appropriation", recognizing that it was never the intention of the challenge grant program to match State funds outside of a State children's trust fund, but that Federal matching grants would go to assist States which provide legislative appropriations in support of the broad range of child abuse and neglect prevention activities.

The bill maintains the matching grant approach of funding State prevention grants to provide States with the ability to leverage other public and private dollars for supporting prevention afforded by the Federal funds. At the same time, the Committee recognizes that some States with large child populations may not yet have developed a significant commitment on the part of State government to support child abuse prevention. Children in these States are disadvantaged by the existing formula. The bill, therefore, proposes a new formula by which half of a State's prevention grant is based on a match of State funds, with one Federal dollar matching every four State dollars, and half is based on the State's relative child per capita population.

In awarding Federal prevention grants, the Committee intends that, in matching State funds "made available" for child abuse and neglect prevention, the Department should recognize dollars deposited in a fund by a State where those moneys are used to build an endowment to support prevention activities, as well as dollars appropriated or otherwise generated by a State for direct awarding of grants to prevention programs.

Since the implementation of the challenge grant programs, Federal appropriations have been inadequate to fully meet the match authorized by the statute. With current funding levels, both State and Federal dollars combined, States are able to fund only a portion of community-based prevention efforts seeking State assistance—as few as eight percent of eligible applicants in some States. With the increase in authorized funding to $50 million annually proposed by the legislation, the Federal Government can help the States to better deliver the necessary resources to the local level. The Committee believes that support for prevention is the most effective weapon for combating child abuse, given the serious long-term repercussions of child abuse. Each case of child abuse costs at least $2,000 to $5,000 for an investigation and short-term treatment—significantly more when a child must be hospitalized or put in foster care. Other costs arise later. Overwhelming numbers of juvenile offenders, adolescent runaways, violent criminals, sexual offenders, and prostitutes report childhood histories of battering and exploitation.

In proposing an increase in authorized funding for the child abuse prevention grants, the Committee sets new requirements on States governing the distribution of the Federal funds. First, the bill requires that at least fifty percent of grant funds to a State be used to support community-based prevention programs. While this provision recognizes the essential thrust of grant-making activity by the children's trust funds from State to State, the Committee is aware that States also use the resources to support statewide programs, particularly in public education and training. For that reason, and in order not to disrupt State planning already in place, this provision would not become effective until Federal appropriations for prevention grants exceed $10 million.

By requiring that States demonstrate to HHS how they are working to coordinate State activities with local efforts, the bill seeks to promote, through the awarding of Federal prevention funds, better coordination of State and local efforts in child abuse and neglect prevention programs. The legislation also requires the reporting back to HHS the outcomes of services funded. The Committee does not intend to burden local prevention programs with the required, expensive, and involved evaluation models. The bill does require the provision of information such as numbers and kinds of individuals served, types of services offered, and outcomes which can be demonstrated. Prevention approaches that have not been evaluated must be tested. Other funds should be directed to support the necessary evaluations of community projects.

In order to improve upon the investment of non-Federal funding at the local level for child abuse prevention programs supported by Federal prevention grants, grantees are required to provide evidence of non-Federal assistance from public and private sources. The Committee hopes that this provision will encourage local contributions so that the community feels it has a stake in efforts to prevent child maltreatment.

Finally, the bill requires grantees to demonstrate the extent to which Federal funds are used to support child abuse and neglect prevention programs in underserved areas—rural and inner city populations which might lack access to family support services and

other prevention approaches more widely available to other populations. In the case of program support to underserved areas, the bill would waive for three years the requirement that Federal funds be supplemented by local contributions, recognizing that underserved areas as such probably lack the financial and other resources needed to promote initiatives in preventing child abuse and neglect.

Families with children are the fastest growing segment of the homeless population; every day in the United States, an estimated 100,000 children are homeless. The unnecessary separation of children from their parents is one of the most devastating consequences of homelessness. Yet in communities around the country, children are placed in out-of-home care or cannot return home promptly because of housing problems—including homelessness.

Child maltreatment and homelessness

In 1990, Congress for the first time acknowledged that strong coordination between child welfare agencies and housing authorities can protect homeless children or children at risk of becoming homeless from abuse and neglect and help prevent the unnecessary separation of children from their families. Congress amended the CAPTA in Public Law 101-645 to create the Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness programs to provide grants to public child welfare agencies, which are collaborating with housing agencies, to help prevent the initial or prolonged placement of children in out-of-home care due to homelessness or other housing problems.

Grant funds can be used to jointly train child protective service staff, child welfare staff, and staff working with homeless families on the connections between housing problems and out-of-home care and the resources available to assist families whose children are in or at risk of placement in out-of-home care. Other activities could include technical assistance to staff working with homeless families to help prevent child abuse and neglect and obtain necessary family support services; and a range of housing assistance to prevent family homelessness and help homeless families reestablish permanent housing in order to avoid unnecessary placement of children in out-of-home care. This program is the only Federal resource available to help family-serving agencies keep families intact when housing problems are threatening them with separation.

Child maltreatment and substance abuse

The Committee recognizes that child welfare agencies throughout the country are overwhelmed by drug-related abuse and neglect cases. In Connecticut, an estimated 65 percent of referrals on seriously abused children involve parental substance abuse. A recent study of substantiated abuse and neglect reports in Boston found substance abuse present in 64 percent of cases. Unfortunately, caseworkers are often too overburdened to provide these children with adequate attention and protection. Cases of child abuse and neglect involving a substance-abusing caretaker are complex and difficult to treat; traditional services are often resisted in these circumstances. The shortage of foster parents, particularly those

equipped to care for special-needs children, means children who must be removed from their homes have no place to go.

The Committee is aware, furthermore, of the serious problem posed by infants exposed to alcohol and illicit drugs before birth. Drug-exposed infants, who are often difficult for the most experienced parents to handle, are often sent home with mothers unprepared to cope with their special needs. Children may find that their basic needs for food, safety, and shelter are secondary to their parents' addictions. These children are also at much higher risk for physical and sexual abuse and serious neglect.

Child Abuse Treatment Improvement Grants Program

The Committee has found that children who are abused or neglected are at risk for health, emotional, educational, and social development problems. Yet, services in abuse and neglect cases often are directed at protecting the child and focus mainly on the parents. Few services are directed at problems the child may be experiencing as a result of abuse and neglect or at the interaction between the parents and the child. This situation is particularly true of children in out-of-home care, who may lack continuity in health care and education. About two-thirds of all placements in out-of-home care are related to abuse or neglect. For many children, being removed from the home will not, in itself, solve the child's problems. Specific problems may not be identified because no assessment is given. Foster parents may not have the training needed to cope with problems that present themselves.

The legislation provides for a new grant program, the Child Abuse Treatment Improvement Grants Program, to fund innovative projects to address the needs of abused and neglected children. The Committee intends that these grants be used to demonstrate ways to better identify and address the problems (including health, educational, and social problems) abuse and neglected children experience, to better equip parents and out-of-home caregivers to respond to these problems, and to promote better interaction between the parent and the child. The Committee hopes that the projects funded will expand the child welfare system's ability to treat the effects of abuse and neglect on the child beyond simply supervising the child in the home or removing the child from the home. The Committee believes that, by improving the child's well-being, such a focus would help promote more lasting family preservation or reunification.

Emergency child abuse prevention

The Emergency Child Abuse Prevention Grants have helped child welfare agencies cope with the current crisis. Agencies receiving these grants are able to increase their staff and improve the quality of staff training. More foster and adoptive parents may be recruited, improving the likelihood that children who are removed from their homes are well cared for. The Committee hopes an increased number of grants will be offered—commensurate with the size and scale of local community-based programs.

B. FAMILY VIOLENCE

The Committee has made a series of changes in the Family Violence Prevention and Services Act (FVPSA) to increase public awareness and expand professional training, improve the general administration of the Act (e.g., distribution and allocation of funds, regulatory control), improve direct services offered to family violence victims and their children, and involve additional agencies to improve implementation and provision of services. All of these changes are meant to result in more comprehensive and effective services to victims of family violence.

These amendments are intended to address the following deficiencies in services to victims of family violence: (1) general ignorance on the part of service providers (e.g. police officers, judges, health professionals, mental health professionals) about family violence and how to intervene appropriately, (2) diversion of funds to unrelated services because of insufficiently clear language, (3) insufficient funds to maintain shelters, (4) inadequate services to assist family violence victims in the transition from the shelter to an independent life, (5) insufficient efforts to prevent family violence in future generations.

Even with improved laws in most States and the provision of emergency shelter to some women and their children, the vast majority of victims face courts, as well as social and health services providers that do not recognize the epidemic nature of family violence, how it affects provisions of services, or the dangers faced by its victims in their attempts to secure safety and freedom. Consequently, many of the laws, policies, or practices in these related arenas do not account for domestic violence and often place victims at increased risk.

One National and up to six "special issue" information and technical assistance resource centers would be established under the new law. The new language would incorporate the functions designated to the clearinghouse under the current Act, and add the functions of maintaining a central resource library as well as providing training and technical assistance services to public entities, state coalitions, and local service providers. The current clearinghouse has not been of optimal use to most of the States or programs providing family violence services; awareness of its existence and activities have been limited. The National Resource Center will be a private non-profit corporation and have demonstrated expertise in the issue. There are currently several national non-profit domestic violence organizations with the data bases and networking capabilities required to perform the amended functions under the new law.

The training and technical assistance amendment also establishes up to six special issue resource centers which would focus research and technical assistance expertise on some of the most difficult issues facing family violence victims and their dependents. These include such complex issues as the relationship between domestic violence and child abuse and the interventions of Child Protective Services in these cases; child custody issues involved in domestic violence cases; family violence as a public health issue and the response of health care professionals; and the effectiveness and

coordination of the criminal justice response to this crime. In addition, the special issue resource centers are needed to research and highlight the problems victims encounter in these arenas, develop policy and intervention recommendations, and offer training and technical assistance to state and local programs attempting to implement solutions for the above-mentioned critical barriers to family safety. Funding for the national and the special issue resource centers would be limited to 5 percent of the total appropriation in order to ensure that the maximum funds possible be distributed to direct shelter and prevention efforts.

Without clarification regarding the expenditure of funds for family violence services, some States have allocated little to the priority areas intended under the Act, while others have devoted none to prevention efforts. A mechanism to ensure that state grant programs focus on family violence victims and their children is crucial to promote more effective, efficient, and comprehensive treatment. Although the scope of services available under this Act is limited, the nature of services for victims of family violence and their dependents is broadened so that victims will receive enhanced state of the art treatment and services to prevent further acts of violence against them and restore their lives to violence-free functioning.

New regulations remove unnecessary restrictions on States which impede their ability to effectively channel funding to the organizations that need it the most. The following examples demonstrate the need for state flexibility. A state, for instance, might determine that services for victims of domestic violence are sorely lacking or even non-existent in a particular region. This state may choose to devote a significant portion of its grant money to starting up a shelter in this region. Another example is a state which provides funding to a larger, umbrella organization which in turn provides a variety of direct services to battered women and their children. Limiting grant size encourages the growth of smaller, single issue organizations which might decrease overall efficiency and result in reduplication of programs. Finally, a State might determine that a particular type of service is greatly in need of expansion. If there is one entity in the State that has developed expertise in this area, providing one large grant to this entity for the development of materials and systems that can be used statewide would be the most efficient use of funding.

Also, it is important to note that there is currently no way of knowing whether or not the States are fulfilling the FVPSA requirement that they earmark the designated percentage of their FVPSA grants specified to fund immediate shelter and related assistance for victims of domestic violence. The assurances that the States submit to HHS merely state that they are meeting this requirement. The vast majority of performance reports submitted by the States do not include a breakdown of how FVPSA funds are spent within the State.

This Act was originally written as a demonstration act, but with reauthorization, the Committee has clearly stated its intent to provide on-going funds for the protection of family violence victims. A number of domestic violence programs will likely approach the $150,000 limit during the next FVPSA funding cycle and conse-

quently be cut off from on-going support critical to protection of victims.

Moreover, FVPSA will soon enter into its sixth funding cycle. The vast majority of domestic violence programs that receive FVPSA grants are lodged at the third year level of a 65 percent matching fund required for sub-grantees. The incremental increase in matching funds was drafted with a four year authorization in mind. It no longer makes sense to freeze a subgrantee's matching funds requirement at such a steep level. This particularly disadvantages small and rural programs in poorer communities who have little access to other sources of funds. The Federal Victims of Crime Act (VOCA) which funds victim assistance programs requires a 20 percent cash or in-kind match from existing victim assistance programs and a 35 percent cash or in-kind match from new programs. This amendment is designed to make the matching requirements parallel with the related Federal victim assistance program, and more realistic for small and rural programs.

The current language also requires that a minimum of 50 percent in matching funds must come from private sources (cash or in-kind). In a number of the more rural States, the local communities have few private resources to support shelters or other social service programs, and much of the shelter's support comes from the State. This language restricts those funds from being used to meet the match requirement. In addition, the Federal regulations pertaining to matching funds are complex, and often limit the type of local funds that qualify for current match. The combination of these factors can dramatically limit the size of grant that a subgrantee can accept, again disadvantaging the smaller and rural programs. The recommended 25 percent "local share" language would make rural and small shelters eligible for more meaningful support under this Act.

In addition, the new authorization would increase the minimum size of the grant distributed to each State up to at least one percent of the total available or $200,000, whichever is less. The current minimum grant to a state of $50,000 was written when the original appropriation was $8.2 million. That minimum greatly disadvantages rural States. Even in the smallest and most rural States, $50,000 has very little impact on service delivery in that State, once it has been divided among 10 or more programs.

Money intended for victims of family violence has frequently been diverted to other services such as substance abuse treatment, spouse abuser treatment, child and elder abuse treatment, because the language has been insufficiently specific in the past. The related assistance is more clearly specified in this reauthorization so that much needed services, such as financial assistance, job skill training, legal assistance, police protection, child care, housing, and employment will be provided and reserved for victims.

In addition, the Act as currently written, authorizes the Secretary to grant 85 percent of the funding, with no specific amount of funding set aside for Indian Tribes. Since Indian Reservations cross State boundaries and are under Federal jurisdiction, they are not eligible for State funding and are dependent upon Federal support. Additionally, the critical need for social services on Indian Reserva-

tions, combined with the difficulty in procuring private funding, warrant this set-aside.

Recognizing the critical role played by the state domestic violence coalitions, the Committee has included a provision for their funding. These coalitions exist in 49 States and in the District of Columbia and provide invaluable roles in improving state services and legal protections available to family violence victims and their children. They coordinate the planning of services, training activities, and technical assistance.

In addition, state domestic violence coalitions establish Advisory Boards and networks among State leaders and service professionals to better coordinate changes in State law and policy. In some States such as Pennsylvania and Illinois, where the coalitions administer their State contracts, the coalitions have defined program methodology and have established state standards of service. There results a line of accountability for battered women that is maintained from state coalition through local programs to the battered women in the community. State domestic violence coalitions are the primary force behind improved services and laws for victims.

It is the intention of the Committee that, until such time as Section 317, Grants for State Domestic Violence Coalitions, receives its own appropriation as authorized in the bill, that 10 percent of the funds appropriated for the Family Violence Prevention and Services Act be distributed to State domestic violence coalitions in the manner specified in that Section. FVPSA funds will consequently be distributed in the following proportions: 70 percent for Grants to States, 10 percent for Grants to Indian Tribes; 10 percent for State Domestic Violence Coalitions; 5 percent for funding for Technical Assistance Centers; and 5 percent for Federal Administration.

C. ADOPTION OPPORTUNITIES

The Committee has strengthened the Adoption Opportunities Act to assure all children who would benefit by adoption—particularly children with special needs—will be found secure, loving homes. The reauthorization legislation includes enhanced authority for the recruitment of prospective adoptive families. It promotes professional leadership development, especially within the minority community, to unite minority children with families of similar ethnicity and culture. The bill provides for adoption training for professional agency staff and parents, and post legal adoption counseling and therapy services to help families cope with any problems that may arise. The Committee intends that once finalized, adoptive homes will be permanent, safe havens for the growth and development of children.

The Minority Children Placement program should continue to remove local barriers to same race placement (such as agencies which are not located in minority communities, a lack of minority agency heads and staff, culturally insensitive recruitment practices, and fees for adoption) by encouraging the development of minority-based agencies and programs supporting the new minority leadership and staff, by modeling culturally sensitive recruitment practices, and by eliminating fees for adoption. Minority-run programs funded through the Adoption Opportunities Act and pro-

grams such as those operated by Homes for Black Children in Detroit and the Institute for Black Parenting in Los Angeles have demonstrated that there is no shortage of same-race adoptive families for minority youngsters—only a lack of training and resources needed to identify families and unite them with children who need permanent homes.

Moreover, more children in substitute care are struggling with increasingly complex problems. Children have faced more severe trauma and abuse and stay in care longer, experiencing multiple placements. Also, the term "special needs" now includes a growing number of children who carry the added developmental burden of prenatal drug or alcohol addiction, or exposure to HIV infection in utero. Many could benefit greatly from the security and care provided by a permanent adoptive home, but they, and their adoptive families, require a more intensive mix of services in order to make a placement work for both the child and the adoptive family. Both pre- and post-adoption services are essential to recruit and retain homes for children in need.

Despite these difficult odds, however, the resources developed with Adoption Opportunities Act funds have aided not only in recruiting prospective adoptive families for minority and special needs children, but retaining these families as well. In reauthorizing the Adoption Opportunities Act, the Committee wishes to build on the past success of the Minority Children Placement and Post Legal Adoption Services programs in achieving stability and security for children.

Current reauthorization language stresses the ongoing recruitment of prospective adoptive families for children on a national level, through a national adoption information exchange system and the development of a national public awareness campaign. The legislation also authorizes the maintenance of a national resource center, whose functions would include promoting minority leadership in the adoption field and improving agency special needs adoption practices. Finally, the role of the Department of Health and Human Services role in providing technical assistance to grantees has been made explicit.

IV. Votes in Committee

S. 838, the Committee amended in the nature of a substitute, was unanimously approved on a voice vote by the Committee on Labor and Human Resources on July 31, 1991.

V. Cost Estimate

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 838.
2. Bill title: Child Abuse, Domestic Violence, Adoption and Family Services Act of 1991.
3. Bill status: As ordered reported by the Senate Labor and Human Resources Committee, August 1, 1991.
4. Bill purpose: The purpose of this bill is to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996
Advisory Board on Child Abuse and Neglect:					
Authorization level	1	1	1	1	1
Estimated outlays	(1)	1	1	1	1
Child Abuse Treatment Improvements Grant Program:					
Estimated authorization	30	31	32		
Estimated outlays	24	31	32	6	(1)
Emergency grant programs:					
Estimated authorization	20	21	44		
Estimated outlays	5	19	27	31	3
General grants:					
Estimated authorization	150	156	162		
Estimated outlays	38	145	157	121	7
Community-based prevention grants:					
Estimated authorization	50	52	53		
Estimated outlays	13	48	52	40	2
Preventive services for homeless children:					
Estimated authorization		13	14		
Estimated outlays		4	13	9	1
National Center on Child Abuse and Neglect Report:					
Estimated authorization	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Temporary child care for handicapped children and crisis nurseries:					
Authorization level	20	20	20		
Estimated outlays	4	19	20	16	1
Family violence prevention and services:					
Estimated authorization	85	91	95		
Estimated outlays	28	83	92	64	4
Grants for State domestic violence coalitions:					
Authorization level	15	15	15	15	15
Estimated outlays	4	14	15	15	15
Grants for public information campaigns and leadership incentives:					
Estimated authorization	25	26	27		
Estimated outlays	6	25	25	21	1
Educating youth about domestic violence:					
Authorization level	(1)				
Estimated outlays	(1)	(1)			
Adoption services:					
Authorization level	10	10	10		
Estimated outlays	3	10	10	7	(1)
Adoption for minorities:					
Authorization level	10	10	10		
Estimated outlays	3	10	10	7	(1)
Post legal services for special needs adoptions:					
Authorization level	10	10	10		
Estimated outlays	3	10	10	7	(1)
Bill total:					
Estimated total authorization	426	456	493	16	16
Estimated total outlays	132	419	474	345	43

[1] Less than $500,000

The costs of this bill fall within budget function 500.

Basis of estimate: S. 838, the Child Abuse Prevention and Treatment Act, authorizes appropriations through 1994 for all subsections except the Advisory Board on Child Abuse and Neglect, Grants for State Domestic Violence Coalitions, the National Center on Child Abuse and Neglect Center, and the Program for Educating Youth About Domestic Violence. Of these programs, S. 838 per-

manently authorizes the first three, and the latter is authorized to be appropriated at $200 thousand for 1992. The bill continues and increases authorizations of appropriations for the remaining Child Abuse, Domestic Violence, Adoption and Family Services programs. For the remaining programs in S. 838, there is a specific authorization for 1992 and an authorization at such sums as may be necessary in 1993 and 1994. We have estimated the 1993 and 1994 levels by inflating the stated 1992 level. The exceptions to this are Adoption Services, Adoption for Minorities, Post Legal Services for Special Needs Adoptions and Temporary Child Care/Crisis Nurseries programs, each of which are authorized a specific appropriation amount in each year.

There is one program that requires special treatment in the estimate. The Emergency Grant Program is authorized appropriations under current law at such sums as may be necessary for fiscal years 1991, 1992 and 1993. The funding level for 1991 remains unchanged. However, the bill authorizes appropriations for $40 million for 1992 and such sums as may be necessary for 1993 and 1994. The authorization levels for 1993 and 1994 reflect the difference between current law, under which the such sums authorization is calculated by inflating the 1991 appropriation level, and the new level proposed by S. 838. The new level is calculated to be the 1992 authorization level increased for projected inflation.

For the Advisory Board on Child Abuse and Neglect, in each fiscal year for which no appropriation is made no less than $1 million is required to be made available to the Board from the Department of Health and Human Services salaries and expenses accounts.

For all programs, estimated outlays assume full appropriation of authorizations and reflect the spending pattern of similar programs.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Because this bill would not affect direct spending or receipts, there are no pay-as-you-go implications.

7. Estimated cost to State and local government: Payments for the Community-Based Prevention Grants may be made only in a fiscal year following the fiscal year in which any state has collected funds for child abuse and neglect prevention activities through a trust fund or other funding mechanism. For the Child Abuse Treatment Improvements Grant Program, the applicant entity is required to provide not less than 20 percent of the total amounts needed to pay the costs associated with the programs funded under this grant.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Karen Watkins.

11. Estimate approved by: Charles E. Seagrove (for James L. Blum, Assistant Director for Budget Analysis).

VI. Regulatory Impact Statement

The Committee has determined that this bill will have little if any inflationary or regulatory impact.

VII. Section-by-Section Analysis

A. CHILD ABUSE

Section 103. Authorizes funds for three years ($1 million for fiscal year 1992) for the U.S. Advisory Board on Child Abuse and Neglect, within the Office of the Assistant Secretary for the Administration for Children and Families of the Department of Health and Human Services. The terms, duties, and method of appointment of Board members are defined.

Section 109. Expands the scope of support to States for improving judicial procedures by including instances of physical child abuse and neglect in addition to child sexual abuse—as well as sexual exploitation and cases of suspected child abuse or neglect fatalities.

Section 110. Authorizes funds for State Grants Program to support and improve State Child Protective Service (CPS) systems. Specifically, grant support is meant to improve State's CPS system in one or more of the following: intake and screening of reports; investigation of reports; case management; general system enhancement (e.g. automation, training, etc.); innovative research and demonstration grants to States in child abuse and neglect prevention and treatment programs.

A new requirement is the submission of State grant plans specifying the area or areas of the State CPS system to be improved, providing data on current system capacity, and indicating how funds will be used to make improvements.

Section 121. Authorizes funds for the Community-Based Prevention Grants which focus prevention challenge grants to support community-based programs to assist State children's trust funds in funding local child abuse and neglect prevention activities. An allotment formula (50 percent distributed on a child per capita population formula and 50 percent as a match to money in a state's Children's Trust Fund) is defined. Grant requirements include that: at least 50 percent of grants go to broad range of community-based child abuse and neglect prevention projects; coordination with other State and local prevention efforts exist; States demonstrate outcomes of funded prevention programs; Federal funds be supplemented at the local level with non-Federal funds; the extent to which grant support goes to community-based activities in underserved areas be demonstrated.

Section 131. Authorizes funds for preventive services for children of homeless families or families at risk of homelessness. Provisions are defined for preventive services for children of homeless families, with authority for housing assistance to prevent placement of children in out-of-home care.

Section 401. Authorizes funds for Child Abuse Treatment Improvement Grants and establishes a new program of grants to State and local agencies for treatment services to abused and neglected children in out-of-home care designed to promote reunification with their families.

Section 151. Authorizes for three years ($40 million for fiscal year 1992) emergency child abuse prevention grants to expand CPS's, particularly for children affected by family members who are drug abusers.

Section 152. Defines the funds authorized to be appropriated for the general grant program for three years ($150 million for fiscal year 1992).

Section 153. Defines the funds authorized to be appropriated for the community-Based Prevention Grants for three years ($50 million in fiscal year 1992).

Section 202. Authorizes for three years ($20 million for fiscal year 1992) temporary child care and crisis nurseries grants to provide respite care for families of children with disabilities.

B. DOMESTIC VIOLENCE

Section 303. Expands the State Grant Program by focusing on programs that serve the victims of family violence and their children. This section more specifically clarifies the services offered to victims of family violence and their dependents.

Section 305. Requires States to have documentation that procedures have been developed and implemented to assure victim confidentiality.

Section 306. Requires States to provide documentation of existing laws or procedures that have been implemented for the eviction of an abusing spouse.

Section 308. Requires the Secretary to make available not less than ten percent of appropriations for grants to Indian tribes.

Section 309. Repeals the maximum ceiling on grant size.

Section 310. Inserts 25 percent "local share" language to make rural and small shelters eligible for meaningful support.

Section 311. Specifies services needed by victims to escape from violence and to rebuild their lives. Funds are prioritized to the most critically needed services. The Secretary shall assure that not less than 70 percent of funds shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence.

Section 312. Increases the size of grants distributed to each State up to a minimum of one percent of the total available or $200,000—whichever is less. The new distribution makes the funds available to rural and small states meaningful without reducing the grants to larger states at the $12.2 million level.

Section 313. Provides for research into areas that include: the effectiveness of safety provisions and family violence victim support as ways to eliminate child abuse; identification of successful child abuse intervention services where both mother and child are abused.

Section 315. Deletes section 308 in its prior form and replaces it with language to establish one National Clearinghouse on Domestic Violence and up to six "special issue" information and technical assistance resource centers, which would incorporate the functions designated to the clearinghouse, and add the functions of maintaining a central resource library—as well as providing training and technical assistance services to public entities, state coalitions, and

local service providers. Requires that the National Resource Center be a private non-profit corporation with demonstrated and historic expertise.

Section 316. Authorizes appropriations for programs under this title in the amounts of: $85 million for fiscal year 1992, $100 million for fiscal year 1993, and $125 million for fiscal year 1994.

Section 317. Requires the Secretary to award grants to fund state domestic violence coalitions (present in 49 States and the District of Columbia). Specifies services, activities and eligibility criteria. authorizes an appropriation $15 million for each fiscal year.

Section 318. Requires the Secretary to publish regulations implementing sections 303, 308, and 314 no later than 90 days after enactment.

Section 319. Amends section 313 to require that data be developed on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced.

Section 320. Permits the Secretary to make grants to public or private non-profit entities for public information campaigns regarding domestic violence.

Section 321. Requires the Secretary, in cooperation with the Attorney General, to make grants available to at least ten states for the purpose of developing model methods to improve the criminal justice system's response to domestic violence. Authorizes appropriations of $25 million for fiscal year 1992 and such sums as necessary in fiscal years 1993 and 1994. No state would receive more than $2.5 million in each fiscal year. The Secretary would delegate to the Attorney General the responsibilities for carrying out this section and would transfer the funds appropriated under this section.

Section 322. Requires the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop three separate model programs (one each for grade schools, secondary schools, and institutions of higher learning) for the education of young people about domestic violence. Authorizes appropriations of $200,000 for fiscal year 1992.

C. ADOPTION OPPORTUNITIES

Section 401. Delineates the components of the Core Grant Program: an adoption education and training program and the distribution of training materials on adoption; a national recruitment and public awareness campaign to unite children in need of adoption with adoptive parents; the operation of a national adoption information exchange system to be coordinated with similar state and regional systems; the provision of technical assistance to adoption programs and the promotion of professional leadership training for minorities; the encouragement of private sector involvement in adoption including the establishment of employee adoption benefits; coordination with other Federal departments and agencies.

Section 402. Delineates the Minority Placement Program which seeks to increase the number of minority children placed into adop-

tive families, emphasizing the recruitment of minority adoptive families.

Section 403. Provides funds for post-legal adoption services for families who have adopted special needs children (includes individual, group, and family counseling; case management; training of agency personnel; assistance to adoptive parent organizations; and assistance to support groups for adoptive parents and their families). Twenty percent of the amount appropriated to the core grant program is set aside for funds to improve State efforts to increase adoption placements for foster care children legally free for adoption.

Section 404. Authorizes appropriations of $30 million ($10 million per year each for the Core Grant Programs, the Minority Placement Program, and the Post-Legal Adoption Services) for fiscal years 1992, 1993, and 1994.

X. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Child Abuse Prevention and Treatment Act

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(A) Short Title.—This Act may be cited as the "Child Abuse Prevention and Treatment Act".

(b) Table of Contents.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings.

* * * * * * *

TITLE IV—MISCELLANEOUS PROGRAMS

Sec. 401. Child abuse treatment improvements grant program.

* * * * * * *

SEC. 2. FINDINGS.

Congress finds that—

(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

(2) many of these children and their families fail to receive adequate protection or treatment;

(3) the problem of child abuse and neglect requires a comprehensive approach that—

(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

(D) ensures properly trained and supported staff with specialized knowledge, to carry out their child protection duties; and

(E) is sensitive to ethnic and cultural diversity;

(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

(11) the Federal government should provide leadership and assist communities in their child protection efforts by—

(A) promoting coordinated planning among all levels of government;

(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

(C) strengthening the capacity of States to assist communities;

(D) allocating sufficient financial resources to assist States in implementing community plans;

(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

(F) providing leadership to end the abuse and neglect of the nation's children and youth.

* * * * * * *

SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

[(a) APPOINTMENT.—The Secretary shall appoint an advisory board to be known as the Advisory Board on Child Abuse and Neglect.

[(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointments required by subsection (a).

[(c) COMPOSITION OF BOARD.—

[(1) NUMBER OF MEMBERS.—The board shall consist of 15 members, each of which shall be a person who is recognized for expertise in an aspect of the area of child abuse of which—

[(A) 2 shall be members of the task force established under section 103; and

[(B) 13 shall be members of the general public and may not be Federal employees

[(2) REPRESENTATION.—The Secretary shall appoint members from the general public under paragraph (1)(B) who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

[(A) law (including the judiciary);
[(B) psychology (including child development);
[(C) social services (including child protective services);
[(D) medicine (including pediatrics);
[(E) State and local government;
[(F) organizations providing services to disabled persons;
[(G) organizations providing services to adolescents;
[(H) teachers;
[(I) parent self-help organizations;
[(J) parents' groups; and
[(K) voluntary groups.

[(3) TERMS OF OFFICE.—(A) Except as otherwise provided in this subsection, members shall be appointed for terms of office of 4 years.

[(B) Of the members of the board from the general public first appointed under subsection (a)—

[(i) 4 shall be appointed for terms of office of 2 years;
[(ii) 4 shall be appointed for terms of office of 3 years; and

[(iii) 5 shall be appointed for terms of office of 4 years, as determined by the members from the general public during the first meeting of the board.

[(C) No member of the board appointed under subsection (a) shall be eligible to serve in excess of two consecutive terms, but may continue to serve until such member's successor is appointed.

[(4) VACANCIES.—Any member of the board appointed under subsection (a) to fill a vacancy occurring before the expiration of the term to which such members's predecessor was appoint-

ed shall be appointed for the remainder of such term. If the vacancy occurs prior to the expiration of the term of a member of the board appointed under subsection (a), a replacement shall be appointed in the same manner in which the original appointment was made.

[(5) REMOVAL.—No member of the board may be removed during the term of office of such member except for just and sufficient cause.

[(d) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members from the general public.

[(e) MEETINGS.—The board shall meet not less than twice a year at the call of the chairperson. The chairperson, to the maximum extent practicable, shall coordinate meetings of the board with receipt of reports from the task force under section 103(f)

[(f) DUTIES.—The board shall—

[(1) annually submit to the Secretary and the appropriate committees of Congress a report containing—

[(A) recommendations on coordinating Federal child abuse and neglect activities to prevent duplication and ensure efficient allocations of resources and program effectiveness; and

[(B) recommendations as to carrying out the purposes of this Act;

[(2) annually submit to the Secretary and the Director a report containing long-term and short-term recommendations on—

[(A) programs;

[(B) research;

[(C) grant and contract needs;

[(D) areas of unmet needs; and;

[(E) areas to which the Secretary should provide grant and contract priorities under sections 105 and 106; and

[(3) annually review the budget of the Center and submit to the Director a report concerning such review.

[(g) COMPENSATION.—

[(1) IN GENERAL.—Except as provided in paragraph (3), members of the board, other than those regularly employed by the Federal Government, while serving on business of the board, may receive compensation at a rate not in excess of the daily equivalent payable to a GS-18 employee under section 5332 of title 5, United States Code, including traveltime.

[(2) TRAVEL.—Except as provided in paragraph (3), members of the board, while serving on business of the board away from their homes or regular places of business, may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[(3) RESTRICTION.—The Director may not compensate a member of the board under this section if the member is receiving compensation or travel expenses from another source while serving on business of the board.]

SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

(A) ESTABLISHMENT.—There is established, within the Office of the Assistant Secretary for the Administration for Children and Families of the Department of Health and Human Services, a United States Advisory Board on Child Abuse and Neglect (hereafter referred to in this section as the "Board"). The authority to administer the operations of the Board may not be delegated.

(b) PROGRAM YEAR.—The program year of the Board shall commence on May 29 of each year and conclude on the first May 28th thereafter.

(c) COMPOSITION.—

(1) IN GENERAL.—The Board shall be composed of 16 members who shall be members of the general public, none of which may be Federal employees, and be appointed as provided for in subsection (d).

(2) REQUIREMENTS.—To be appointed to the Board under subsection (d), an individual shall be generally knowledgeable concerning child abuse and neglect prevention, intervention (including the operation of child protective services agencies), foster care and adoption, treatment, and research. Of the members appointed under such subsection, one each shall be specifically recognized for their knowledge of and expertise in or concerning one of the following areas (which such individual shall represent on the Board)—

(A) child protective services in a State or local government setting;

(B) elementary and secondary education;

(C) law;

(D) law enforcement or corrections;

(E) medicine;

(F) the provision of services to adolescents;

(G) the provision of services to disabled persons;

(H) parents' groups;

(I) parent self-help organizations;

(J) psychology or child development;

(K) public health nursing or other individuals specializing in the prevention of child abuse and neglect;

(L) research;

(M) social work practice involving family preservation and support services and the individual treatment of abused and neglected children and their families; and

(N) voluntary groups.

(d) APPOINTMENTS.—

(1) APPOINTING AUTHORITY.—The Secretary shall appoint individuals to serve as members of the Board, except that—

(A) individuals of the type described in subsection (c)(2) who are recognized for their knowledge of and expertise in law and law enforcement or corrections shall be appointed, or reappointed in accordance with paragraph (4), only after the Secretary has requested the advice of the Attorney General; and

(B) individuals of the type described in subsection (c)(2) who are recognized for their knowledge of and expertise in elementary and secondary education shall be appointed, or

reappointed in accordance with paragraph (4), only after the Secretary has requested the advice of the Secretary of Education.

(2) APPOINTMENT CONSIDERATIONS.—

(A) NOTICE.—The Secretary shall publish a notice in the Federal Register soliciting nominations for appointments under this subsection.

(B) RACIAL AND ETHNIC REPRESENTATION.—In making appointments under this subsection, the Secretary shall give due consideration to the representation of ethnic and racial minorities and diverse geographic areas on the Board.

(3) APPOINTMENTS NECESSITATED BY VACANCIES.—If a vacancy on the Board occurs due to the resignation of a member, or the removal of a member in accordance with subsection (e)(5), prior to the expiration of the term to which such member had been appointed, a replacement for such member shall be appointed in the same manner in which the original appointment was made, and such replacement member shall serve for the balance of the term being vacated in accordance with subsection (e)(4).

(4) REAPPOINTMENTS.—The Secretary may reappoint a member to the Board after the expiration of such member's term subject to the limitations contained in subsection (e)(3). Where such reappointments occur, at the discretion of the Secretary the nomination procedures required under paragraph (2)(A) may be waived by the Secretary.

(e) TERMS OF OFFICE.—

(1) LENGTH.—Except as otherwise provided in this subsection, an individual appointed to the Board shall serve for a term of 4 years.

(2) NEW SEATS.—Notwithstanding the date on which the initial appointments are made under subsection (d), with respect to the terms of individuals appointed in accordance with subparagraphs (K), (L), and (M) of subsection (c)(2) such terms shall end on May 28, 1994.

(3) NUMBER OF TERMS.—No member of the Board shall be eligible to serve in excess of two consecutive terms, but a member may continue to serve until such member's successor is appointed. A member having served two consecutive terms may subsequently be appointed to the Board if not less than a 1-year period has elapsed since the expiration of the preceding term.

(4) VACANCIES.—Any member of the Board who is appointed to fill a vacancy occurring before the expiration of the term to which such member's predecessor was appointed shall be appointed for the remainder of such term.

(5) REMOVAL.—No member of the Board may be removed by the Secretary during the member's term except for just and sufficient cause to be determined in a hearing before the Departmental Appeals Board of the Department of Health and Human Services.

(f) COMPENSATION.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in paragraph (3), members of the Board, while serving on business of the Board, shall receive compensation at a daily rate equiva-

lent to the daily rate payable to a GS–18 employee under section 5332 of title 5, United States Code, including travel time.

(B) DEFINITION.—For purposes of this subsection, "business of the Board" shall mean attendance at a meeting of the Board or of one of the committees of the Board performing work for the Board with the prior approval of the Executive Director.

(2) TRAVEL.—

(A) IN GENERAL.—Except as provided in paragraph (3), members of the Board who reside outside of the metropolitan Washington, D.C. area, while serving on business of the Board away from their homes or regular places of business, may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(B) RESIDENTS OF WASHINGTON, D.C.—Except as provided in paragraph (3), members of the Board residing within the metropolitan Washington, D.C. area, while serving on business of the Board, may be allowed actual travel and subsistence expenses as authorized by section 5703 of title 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(3) LIMITATION.—A member of the Board may not be compensated under this subsection, nor may such member be allowed travel and subsistence expenses, if such member is receiving compensation or travel and subsistence expenses from another source while serving on business of the Board.

(g) ADMINISTRATION.—

(1) PROCEDURES.—The Board is authorized to establish such procedures to enable the Board to carry out it's functions and duties in an orderly manner.

(2) ELECTION OF OFFICERS.—The Board shall elect a chairperson and vice-chairperson at the first meeting of the Board following the date of enactment of this section.

(3) EXECUTIVE COMMITTEE.—The Board is authorized to establish an Executive Committee. If the Board establishes an Executive Committee, the Board shall determine whether its members shall be elected or appointed by the chairperson and vice-chairperson, what its duties shall be, and what powers it shall have.

(h) MEETINGS.—The Board shall meet at least four times each program year at the call of the chairperson, unless the chairperson determines that fewer meetings are necessary. Meetings of committees, including meetings of the Executive Committee, shall not be deemed to satisfy the requirements of this subsection.

(i) DUTIES.—

(1) REPORTS.—Not later than 120 days after the conclusion of each program year, the Board shall prepare and submit to the Secretary, the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, and the Secretary of Agriculture, and to the appropriate committees of Congress, a report—

(A) assessing the progress of the Nation in protecting children; and

(B) making recommendations for action to improve such protection.

(2) SPECIAL REPORTS ON MALTREATMENT.—At such times as the Board determines appropriate, the Board shall issue special reports concerning child maltreatment.

(3) ADVISOR.—

(A) IN GENERAL.—The Board shall provide the Secretary, the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, and the Secretary of Agriculture, and the appropriate committees of Congress, with such advice as the Board determines appropriate concerning actions necessary to improve the protection of children. Such advice may be provided in response to a request to the Board or may be initiated by the Board.

(B) SUBJECT OF ADVICE.—Subjects that the Board may provide advice concerning shall include—

(i) proposed and final regulations, guidelines, program announcements, and operating procedures developed to implement this Act;

(ii) proposed and final regulations, guidelines, program announcements, and operating procedures developed to implement all other Federal laws related to child maltreatment; and

(iii) any initiatives developed in response to Board recommendations.

(C) IMPLEMENTATION OF CERTAIN REGULATIONS.—Notwithstanding any other provision of law, proposed and final regulations, guidelines, program announcements, and operating procedures developed to implement a child maltreatment program or effort may not be implemented until the Board has been provided with 30 calendar days to review such regulations, guidelines, program announcements and operating procedures and provide written comments concerning such to the implementing agency.

(4) OTHER BOARD ACTIONS.—The Board shall take such actions as it determines appropriate to advocate the implementation of the recommendations contained in the reports of the Board. Such actions shall include—

(A) publicizing the recommendations;

(B) convening meetings and conferences to discuss the recommendations;

(C) holding public hearings to assess progress in implementing the recommendations; and

(D) working cooperatively with officials of governmental and nongovernmental organizations on the actual implementation of such recommendations.

(j) RESOURCES.—

(1) EXECUTIVE DIRECTOR.—The Board shall appoint an Executive Director.

(2) PERSONNEL.—

(A) ADDITIONAL PERSONNEL.—Upon the recommendation of the Executive Director, the Board shall appoint and fix

the compensation of such additional personnel as are necessary to assist the Board in carrying out its duties. Appointment and compensation of such personnel shall take place in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(B) TEMPORARY OR INTERMITTENT SERVICES.—Subject to such rules as may be prescribed by the Board, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $400 per day.

(C) OTHER AGENCY PERSONNEL.—Upon the request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under section (i).

(3) CONTRACTS.—With the approval of the Board, the Executive Director may enter into such contracts on behalf of the Board as the Executive Director considers necessary to carry out the duties of the Board under subsection (i).

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) FISCAL YEAR 1992.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 1992, and such sums as may be necessary for each subsequent fiscal year.

(B) FUNDING IN LIEU OF APPROPRIATIONS.—During each fiscal year for which no appropriation is made under subparagraph (A), the Secretary shall make available, from Department of Health and Human Services salaries and expenses accounts, not less than $1,000,000 to enable the Board to carry out it's duties.

(C) GIFTS.—Notwithstanding any other provision of law, the Board is authorized to receive gifts and accept donations from non-Federal organizations to carry out its duties.

(k)POWERS OF THE BOARD.—

(1) GENERAL POWERS.—

(A) HEARINGS, ETC.—For the purpose of carrying cut its duties under subsection (i), the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(B) ACTION BY INDIVIDUALS.—Any member or employee of the Board may, if authorized by the Board, undertake any action which the Board is authorized to undertake under this section.

(C) INFORMATION.—The Board may request directly from any Federal agency such information as it determines necessary to carry out its duties. Upon the request of the chairperson of the Board, the head of such agency shall furnish such information to the Board.

(2) DATA COLLECTION.—Nothwithstanding the provisions of the Paperwork Reduction Act, the Board is authorized to gather such data as it determines necessary to carry out the duties of

the Board under subsection (i) without the approval from the Office of Management and Budget.

(3) PUBLICATION.—The Board may publish and disseminate any annual and special reports prepared under this section and such other documents as it determines appropriate without the prior approval of any other Government official.

(l) RELATIONSHIP TO THE INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT.—The Secretary shall appoint two members of the Inter-Agency Task Force on Child Abuse and Neglect to serve as liaisons to the Board. It shall be the duty of such members to keep the Board informed of the activities of the Task Force and to keep the Task Force informed of activities of the Board. The chairperson and Executive Director of the Board shall take all necessary steps to assure that such members are kept informed of all Board activities. Nothing in this subsection shall be construed to provide such members with a vote on any Board decision.

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SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

[(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, through the Center, is authorized to make grants to the States for purposes of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.]

(A) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State in—

(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

(B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

(C) improving legal preparation and representation;

(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs.

* * * * * * *

[(c) WAIVERS.—

[(1) GENERAL RULE.—Subject to paragraph 93) of this subsection, any State which does not qualify for assistance under this

subsection may be granted a waiver of any requirement under paragraph (2) of this subsection—

[(A) for a period of not more than one year, if the Secretary makes a finding that such State is making a good faith effort to comply with any such requirement, and for a second one-year period if the Secretary makes a finding that such State is making substantial progress to achieve such compliance; or

[(B) for a nonrenewable period of not more than two years in the case of a State the legislature of which meets only biennially, if the Secretary makes a finding that such State is making a good faith effort to comply with such requirement.

[(2) EXTENSION.—(A) Subject to paragraph (3) of this subsection, any State whose waiver under paragraph (1) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good faith effort to comply with the requirements under subsection (b) of this section—

[(i) through the end of fiscal year 1988; or

[(ii) in the case of a State the legislature of which meets biennially, through the end of the fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier.

[(B) This provision shall be effective retroactively to October 1, 1986.

[(3) REQUIREMENTS UNDER SUBSECTION (B)(10).—No waiver under paragraph (1) or (2) may apply to any requirement under subsection (b)(10) of this section.]

(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall annually submit a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

(1) INTAKE AND SCREENING.—

(A) STAFFING.—the number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

(C) PUBLIC EDUCATION.—An assessment of the State or local agency's public education program with respect to—

(i) what is child abuse and neglect;

(ii) who is obligated to report and who may choose to report; and

(iii) how to report.

(2) INVESTIGATION OF REPORTS.—

(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

(C) INTERAGENCY COORDINATION.—A description of the extent to which interagency coordination processes exist and are available Statewide, and whether protocols or formal policies governing interagency relationships exist in the following areas—

(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;

(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and

(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

(E) LEGAL REPRESENTATION.—A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal, the State shall assess the activities and the outcomes of the following services:

(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determi-

nation of case disposition, including how such training is evaluated for effectiveness.

(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

(4) GENERAL SYSTEM ENHANCEMENT.—

(A) AUTOMATION.—A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

(B) ASSESSMENT TOOLS.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

(C) INFORMATION AND REFERRAL.—A description and assessment of the extent to which a State has in place—

(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

(D) STAFF CAPACITY AND COMPETENCE.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

(5) INNOVATIVE APPROACHES.—A description of—

(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

(B) The manner in which proposed research and development activities build on existing capacity in the programs being addressed.

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SEC. 107A. EMERGENCY CHILD ABUSE PREVENTION SERVICES GRANT.

(a) ESTABLISHMENT.— * * *

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(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 1990, [and such sums as may be necessary for each of the subsequent fiscal years 1991, 1992, and 1993.] *such sums as may be necessary for fiscal year 1991, $40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.*

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SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES

SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND JUDICIAL HANDLING OF CHILD ABUSE AND NEGLECT CASES.

(a) * * *

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[(1) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and

[(2) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.]

(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

(2) the handling of cases of suspected child abuse or neglect related fatalities; and

(3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.

(b) ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for assistance under this section, such State shall—

(1) fulfill the requirements of section 107(b) [and 107(e) or receive a waiver under section 107(c)];

(2) establish a task force as provided in subsection (c);

(3) fulfill the requirements of subsection (d); [and]

(4) submit *annually* an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will—

(A) make such reports to the Secretary as may reasonably be required; and

(B) maintain and provide access to records relating to activities under subsections (a) and (b)[.], *and*

(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a).

(c) STATE TASK FORCES.—

(1) GENERAL RULE.—Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate, *and maintain* a State multidisciplinary task force on children's justice (hereinafter referred to as "State task force")

composed of professionals with knowledge and experience relating to the criminal justice system and issues of [child abuse] *child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities.* The State task force shall include—

(A) individuals representing the law enforcement community;

(B) [judicial and legal officers] *judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect* (including individuals involved with the defense as well as the prosecution of such cases);

(C) child advocates, *including both attorneys for children and, where such programs are in operation, court appointed special advocates*;

(D) health and mental health professionals;

[(E) individuals representing child protective services agencies;]

(F) individuals experienced in working with children with [handicaps] *disabilities; and*;

[(G) parents; and]

[(H)] *(G)* representatives of parents' groups.

(2) EXISTING TASK FORCE.—As determined by the Secretary, a State commission or task force established after January 1, 1983, with substantially comparable membership and functions, may be considered the State task force for purposes of this subsection.

(d) STATE TASK FORCE STUDY.—Before a State receives assistance under this section, [the State task force shall] *and at three year intervals thereafter, the State task force shall comprehensively*—

(1) review and evaluate State investigative, administrative and [judicial handling of cases of child abuse, particularly child sexual abuse;] *both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;* and

(2) make *policy and training* recommendations in each of the categories described in subsection (e).

* * * * * * *

(e) ADOPTION OF STATE TASK FORCE RECOMMENDATIONS.—

(1) GENERAL RULE.—Subject to the provisions of paragraph (2), before a State receives assistance under this section, a State shall adopt recommendations of the State task force in each of the following categories—

(A) investigative, administrative, and judicial handling of cases of [child abuse, particularly child sexual abuse cases, in a manner which reduces the additional trauma to the child victim] *child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a*

manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;

(B) experimental, model and demonstration programs for testing innovative approaches and techniques which may [improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action on child abuse cases], *improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, particularly child sexual abuse cases, and which also ensure procedural fairness to the accused; and*

(C) reform of State laws, ordinances, regulations, *protocols* and procedures to provide comprehensive protection for children from abuse, particularly child sexual abuse *and exploitation*, while ensuring fairness to all affected persons.

* * * * * * *

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated for purposes of carrying out this title $48,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991. Of the funds appropriated for any fiscal year under this section, except as provided in the succeeding sentence (1)(A) $11,000,000 shall be available for activities under sections 104, 105, and 106, and (B), $9,000,000 shall be available in each fiscal year for activities under sections 107(a) and 108, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, (2) $5,000,000 shall be available in each such year for grants and contracts under section 106(a), for identification, treatment, and prevention of sexual abuse, and (3) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 107(f). With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, no less than $20,000,000 of the funds appropriated in such fiscal year shall be available as provided in clause (1) in the preceding sentence and of the remainder, one-half shall be available as provided for in clause (2) and one-half as provided for in clause (3) in the preceding sentence.]

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, except for section 107A, $150,000,000 for fiscal year 1992, and such sums as may be necessary for each of this fiscal years 1993 and 1994. Of amounts appropriated under this section in any fiscal year—

(1) 33⅓ percent of such amounts shall be made available in each such fiscal year for activities under sections 104, 105 and 106; and

(2) 66⅔ percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108. A State may spend the entire amount provided to such State under this title in a fiscal year for the purposes described in subsection (a)(5) of section 107, except that subsequent to the date on which the amount appropriated and available under paragraph (2) exceeds $40,000,000, such State shall not spend in excess of 15 percent of such amounts for the purposes described in subsection (a)(5) of section 107.

[TITLE II—GRANTS WITH RESPECT TO ENCOURAGING STATES TO MAINTAIN CERTAIN FUNDING MECHANISMS]

TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

[SEC. 201. FINDINGS AND PURPOSE.] *SEC. 201. PURPOSES*

[(a) FINDINGS.—The Congress finds that—

[(1) disturbing increases have occurred in recent years in the numbers of younger Americans who are abused;

[(2) many children who run away from home, who fall prey to pornography and prostitution, who suffer from a dependency on alcohol and drugs, and who become juvenile offenders, have been victims of child abuse;

[(3) research has shown that abuse tends to repeat itself, and many times parents who abuse their children were once victims themselves;

[(4) given the increased demand for treatment and crisis intervention in child abuse and neglect cases, Federal funds distributed to States are most often used for treatment and little is left for prevention efforts;

[(5) since 1980 some States have begun to recognize the critical need for prevention efforts, and trust funds (generated by surcharges on marriage licenses, birth certificates or divorce actions, or by special checkoffs on income tax returns) are being established to allow such States to pay for child abuse and neglect prevention activities despite depressed State economies and budget cutbacks;

[(6) in recognition of the increased cases of child abuse and neglect, other States have established significant funds for child abuse and neglect prevention activities through direct appropriations; and

[(7) the Nation cannot afford to ignore the importance of preventing child abuse.

[(a) PURPOSE.—It is the purpose of this title, by providing for Federal challenge grants, to encourage States to establish and maintain trust funds or other funding mechanisms, including appropriations to support child abuse and neglect prevention activities.]

It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.

* * * * * * *

SEC. 203. GRANTS AUTHORIZED.

(a) * * *

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[(b) PAYMENTS.—Payments under this title may be made in any fiscal year following the fiscal year in which any State has collected funds for child abuse and neglect prevention activities through a trust fund or other funding mechanism.]

[(c)]*(b)* AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated] such sums as may be necessary for each of the fiscal years 1989 through 1991, but in no event shall amounts so appropriated exceed $7,000,000 in any fiscal year.] *$50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.*

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SEC. 204. STATE ELIGIBILITY.

Any State is eligible for a grant under this title for any fiscal year if such State has established or maintained in the previous fiscal year a trust fund [or other funding mechanism], including appropriations, [which is available only for child abuse and neglect prevention activities, including activities which] *which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities—*

* * * * * * *

SEC. 205. LIMITATIONS.

(a) AMOUNT OF GRANT.—

[(1) IN GENERAL.—Any grant made to any eligible State under this title in any fiscal year shall be equal to the lesser of—

[(A) 25 percent of the total amount made available by such State for child abuse and neglect prevention activities and collected in the previous fiscal year in a trust fund (excluding any interest income from the principal of such fund or through any interest income from the principal of such fund) or through any other funding mechanism, including appropriations; or

[(B) an amount equal to 50 cents times the number of children residing in such State according to the most current data available to the Secretary.]

(1) ALLOTMENT FORMULA.—

(A) IN GENERAL.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

(i) 50 percent of the total amount appropriated shall be allotted to each is based on the number of children in each such State; and

(ii) the remaining 50 percent of the total amount appropriated shall be allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for

which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

(B) USE OF AMOUNTS.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed $10,000,000.

TITLE III—CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS

SEC. 301. DEMONSTRATION GRANTS FOR PREVENTION OF INAPPROPRIATE SEPARATION FROM FAMILY AND FOR PREVENTION OF CHILD ABUSE AND NEGLECT.

* * * * * * *

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated $12,500,000 for fiscal year 1992, *and such sums as may be necessary in each of the fiscal years 1993 and 1994.*

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TITLE 42—UNITED STATES CODE

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SEC. 5118a. Provisions with respect to carrying out purpose of demonstration grants.

* * * * * * *

(b) * * *

* * * * * * *

(3) the development and dissemination of informational materials to advise homeless families with children and others who are seeking housing of resources and programs available to assist them; [and]

(4) the provision of emergency housing-related assistance necessary to prevent the placement of children in out-of-home care, to facilitate the reunification of children with their families, and to enable the discharge of youths not less than 16 years of age from such area, including assistance in meeting the costs of—

(A) rent or utility arrears to prevent an eviction or termination of utility services;

(B) security and utility deposits, first month's rent, and basic furnishings; and

(C) other housing-related assistance;

(5) the provision to families, and to youths not less than 16 years of age who are preparing to be discharged from such care, of temporary rent subsidies necessary to prevent the initial or

prolonged placement of children in out-of-home care, which subsidies are provided in an amount not exceeding 70 percent of the local fair market rental value and are provided for a period not to exceed 180 days; and

[(4)] *(6)* other activities, if authorized by the Secretary, that are necessary to address housing problems that result in the inappropriate initial or prolonged placement of children in out-of-home care.

TITLE IV—MISCELLANEOUS PROGRAMS

SEC. 401. CHILD ABUSE TREATMENT IMPROVEMENTS GRANT PROGRAM.

(a) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary"), acting through the Administration for Children, Youth and Families, may award grants to eligible entities to improve the treatment of children exposed to abuse or neglect and the families of such children, particularly when such children have been placed in out-of-home care.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

(1) be a State or local public or nonprofit private entity;

(2) have the approval of the State agency responsible for administering public child welfare services, to apply for such grant;

(3) be responsible for administering or providing child welfare services (including out-of-home services); and

(4) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including the information required under subsection (c).

(c) CONTENTS OF APPLICATION.—An application submitted by an entity under subsection (b)(4) shall contain—

(1) a description of the proposed program to be established, implemented or improved using amounts received under a grant, including the specific activities to be undertaken, the agencies that will be involved, the process that has been established for evaluating such activities, and the nature of any innovations proposed;

(2) evidence of the need that the activity or program, to be conducted using amounts received under the grant, will address;

(3) assurances that amounts received under the grant will be used to supplement, not supplant, existing funds provided by the State for child welfare purposes;

(4) assurances that the applicant entity will provide not less than 20 percent of the total amounts needed to pay the costs associated with the program funded under such grant;

(5) assurances that the applicant entity will provide information to the Secretary concerning the progress and outcome of the program to be funded under such grant;

(6) a description of the procedures to be used to disseminate the findings derived from the program to be funded under such grant within the State;

(7) a description of the extent to which multiple agencies will be involved in the design, development, operation, and staffing of the program to be funded under such grant; and

(8) and other information determined appropriate by the Secretary.

(d) USE OF FUNDS.—An entity may use amounts provided under a grant awarded under this section to—

(1)(A) develop models of out-of-home care that are designed to promote the reunification of children with their families, including training and support components for foster parents to enable such parents to assist the birthparents with reunification efforts;

(B) develop comprehensive service approaches for child out-of-home care and for the families of such children, specifically focused on reunification; and

(C) establish activities that are designed to promote visitation of parents and children, such as the establishment of neutral settings for structured visits between biological parents and children in care;

(2) develop activities that are designed to support relatives caring for children who have been abused or neglected or children from families where substance abuse is present;

(3) enhance the reimbursement and other support provided to foster parents, including relatives, to promote better recruitment and retention of foster parents;

(4) develop activities and programs designed to—

(A) promote the healthy physical, social, emotional, and educational development of children in out-of-home care and under child abuse preventive services supervision, including—

(i) the conduct of comprehensive, multidisciplinary assessments of the physical, social, emotional, and educational development of such children, with particular attention given to the needs and strengths of the families of such children; and

(ii) the development of services to meet such needs which involve multiple service agencies and alternative support systems within the community;

(B) provide training for foster parents to address the physical, social, emotional, and educational needs of the children in their care; or

(C) provide special programs to assist children with academic or developmental problems;

(5) develop and implement programs that provide mentors, who are adults from the community or who are former foster youths, to use and out-of-home care, in order to address their special needs, increase self esteem, and provide role models;

(6) provide incentives that may be necessary to establish and recruit foster family homes for special populations, including children who are medically fragile or have other special physical, mental, and emotional disabilities, adolescent mothers and their children who are in care, and children who have been sexually abused;

(7) hire staff with specialized knowledge in the areas of substance abuse, child development, education, health care, and adolescents, to provide support and act as a resource for caseworkers working with children and families with special needs in these areas; and

(8) conduct other activities as the Secretary determines appropriate.

(e) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall consider—

(1) the geographic dispersion of the applicants for such grants;

(2) the likelihood that the proposed service approach of the applicant would be transferable to other sites; and

(3) the need for variety in the problems to be addressed by the applicants and in the models used to address similar problems.

(f) ADMINISTRATION.—In administering the grant program established under this section the Administration for Children, Youth and Families shall—

(1) require grantees to submit annual reports concerning the projects funded under such grants and a final report assessing the outcome of such projects;

(2) Arrange for the dissemination of project results through such means as the child welfare resource centers and the National Clearinghouse on Child Abuse and Neglect; and

(3) provide for the evaluation of projects funded under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for fiscal year 1992, and such sums as may be necessary in each of the fiscal years 1993 and 1994.

CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION ACT OF 1978

* * * * * * *

[SEC. 201. The Congress hereby finds that the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and that some such children are in need of placement in permanent, adoptive homes; that many thousands of children remain in institutions or foster homes solely because of legal and other barriers to their placement in permanent, adoptive homes; that the majority of such children are of school age, handicapped, or both; that adoption may be the best alternative for assuring the healthy development of such children; that there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and that, in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them, nor be maintained in foster care or institutions when adoption and families for them can be found. It is, therefore, the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would

benefit by adoption, particularly children with special needs; including disabled infants with life-threatening conditions, by—

[(1) promoting the establishment of model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

[(2) providing a mechanism for the Department of Health and Human Services to—

[(A) promote quality standards for adoption services, preplacement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

[(B) coordinate with other Federal departments and agencies, including the Bureau of the Census, to provide for a national adoption and foster care information data-gathering and analysis system; and

[(C) maintain a national adoption exchange to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.]

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nations's foster care population included more than 400,000 children at the end of June, 1990;

(2) increasingly children entering foster care have complex problems which require intensive services;

(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

(6) the majority of such children are of school age, members of sibling groups or disabled;

(7) currently one-half of children free for adoption and awaiting placement are minorities;

(8) adoption may be the best alternative for assuring the healthy development of such children;

(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and,

(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster

care or institutions when adoption is appropriate and families can be found for such children.

(b) PURPOSE.—It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by—

(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

(2) providing a mechanism for the Department of Health and Human Services to—

(A) promote quality standards for adoption services, preplacement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption;

(C) maintain a National Resource Center for Special Needs Adoption to—

(i) promote professional leadership development of minorities in the adoption field;

(ii) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

(iii) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and

(D) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.

* * * * * * *

SEC. 203. (a) The Secretary shall establish in the Department of Health and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of this title. The Secretary shall make available such consultant services, *on-site technical assistance* and personnel, together with appropriate administrative expenses, *including salaries and travel costs,* as are necessary for carrying out such purposes, including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs. *The Secretary shall within 9 months of enactment prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in*

which activities were carried out under this title, and such reports shall be made available to the public.

(b) In connection with carrying out the provisions of this title, the Secretary shall—

[(1) provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system;]

[(2)] *(1)* conduct (directly or by grant to or contract with public or private nonprofit agencies or organizations) an education and training program and adoption, and prepare, publish, and disseminate (directly or by grant to or contract with public or private nonprofit agencies and organizations) to all interested parties, public and private agencies and organizations (including, but not limited to, hospitals, health care and family planning clinics, and social services agencies), and governmental bodies, information and education and training materials regarding adoption and adoption assistance programs;

(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion, the operation of a national resource center for special needs adoption.

* * * * * * *

(4) provide (directly or by grant to or contract with public or private nonprofit agencies or organizations, including adoptive family groups and minority groups) for the provision of technical assistance in the planning, improving, developing, and carrying out of programs and activities relating to adoption, *and to promote professional leadership training of minorities in the adoption field*;

* * * * * * *

SEC. 205. [(a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(8) and 203(c)(1).] *(a) There are authorized to be appropriated, $10,000,000 for each of the fiscal years 1992 through 1994, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(8) and 203(c)(1).*

(b) For any fiscal year in which appropriations under subsection (a) exceeds $5,000,000, there are authorized to be appropriated [$3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(8), and there are authorized to be appropriated $3,000,000 for fiscal year 1988, and such sums as may be nec-

essary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(c)(1).] *$10,000,000 for each of the fiscal years 1992 through 1994, to carry out section 203(b)(8), and there are authorized to be appropriated $10,000,000 for each of the fiscal years 1992 through 1994, to carry out section 203(c)(1).*

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

* * * * * * *

SEC. 302. It is the purpose of this title to—

(1) [demonstrate the effectiveness of assisting] *assist* States in efforts [to prevent] *to increase public awareness about and prevent* family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

(2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies), *courts, legal, social service, and health care professionals*, nonprofit private organizations, and other persons seeking such assistance.

STATE DEMONSTRATION GRANTS AUTHORIZED

SEC. 303. (a)(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this title, to make [demonstration grants] *grants* to States.

(2) No [demonstration grant] *grant* may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in [demonstration grants] *grants* to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not more than 5 percent of such funds will be used for State administrative costs; and

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, [particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims;] *the primary purpose of which is to*

operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.

(C) set forth procedures designed to involve *State domestic violence coalitions* knowledgeable individuals and interested organizations and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

* * * * * * *

(E) provide [assurances that procedures will be developed] *documentation that procedures have been developed, and implemented including copies of the policies and procedure,* to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this title and provide assurances that the address or location of any shelter-facility assisted under this title will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

[(F) provide assurances that, within one year after receipt of funds under this subsection, the State will, provide assurances to the Secretary that the State has or has under consideration a procedure for the eviction of an abusing spouse from a shared residence;] *(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;* and

* * * * * * *

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and after *a 6-month period providing an* opportunity for correction of any deficiencies. *The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of subsection (a)(2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of subsection (a)(2).*

(b)(1) The Secretary [is authorized to make demonstration grants] *from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants* to Indian tribes [and tribal], *tribal organizations and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation* for projects designed

to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

(2) No [demonstration grant] *grant* may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (C) (with respect only to involving knowledgeable individuals and organizations), (D), [and (E)] *(E) and (F)* of subsection (a)(2). *No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section.*

[(c) No demonstration grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of $50,000, and the total amount of such grants to any such single entity may not exceed $150,000.]

[(d)] *(c)* No funds provided through demonstration grants made under this section may be used as direct payment to any victim of family violence or to any dependent of such victim.

[(e)] *(d)* No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title.

[(f)] *(e)* No [demonstration grant] *grant* [may be made under this section to any entity other than a State] *or an Indian tribe* unless the entity provides for the following local share as a proportion of the total amount of funds provided under this title to the project involved: [35 percent] *20 percent* in the first year such project receives a grant under this title, [55 percent] *35 percent* in the second such year, and [65 percent in the third such year] *and, for any year thereafter.* Except in the case of a public entity, not less than [50 percent] *25 percent* of the local share of such agency or organization shall be raised from private sources. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

[(g)] *(f)* The Secretary shall assure that not less than [60 percent] *70 percent* of the funds distributed under subsection (a) or (b) shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents *as defined in section 309(4). Not less than 15 percent of the funds distributed under subsection (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 309(5)(A), and not more than 10 percent for the purpose of providing family violence prevention services as defined under section 309(5)(B).*

ALLOTMENT OF FUNDS

SEC. 304. (a) From the sums appropriated under section 310 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 303(a) an amount

which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than [whichever is the greater of the following amounts: one-half of] 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or [$50,000]: *$200,000, whichever is the lessor amount*; and

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SEC. 305. (a) * * *

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(b) The Secretary shall—

(1) * * *

* * * * * * *

(2)(A) provide for research [into the causes of family violence], and into the *most effective* prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, [and (ii)] *(ii)* the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), *(iii) the effectiveness of providing safety and support to victims of family violence as a way to eliminate the child abuse experienced by their children, (iv) identification of child abuse prevention services intervention approaches which appear to be successful where both mother and child are abused, and (v) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received,* and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

* * * * * * *

SEC. 306. Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, *and every two years thereafter,* the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this title, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the [assurances,] *documentation* provided to the Secretary under section [303(a)(2)(F)] *303(a)(2)(B) through 303(a)(2)(F)*

* * * * * * *

[SEC. 308. (a) The Secretary shall operate a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) in order to—

[(1) collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance to victims of family violence and their dependents; and

[(2) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provision of immediate shelter and related assistance to victims of family violence and their dependents.

[(b) The Secretary shall ensure that the activities of the national information and research clearinghouse operated under subsection (a) are coordinated with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act.]

SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

(a) PURPOSE AND GRANTS.—

(1) PURPOSE.—It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to provide nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed six special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

(b) NATIONAL RESOURCE CENTER—The national resource center established under subsection (a)(2) shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers establishing under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

(3) Child custody issues in domestic violence cases.

(4) The use of the self-defense plea by domestic violence victims.

(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

(1) focuses primarily on domestic violence;

(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

(f) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations.

(g) FUNDING.—From the amounts appropriated under section 310, not in excess of 5 percent of such amount for each fiscal year shall be used for the purpose of making grants under this section.

SEC. 309. As used in this title:

(1) * * *

* * * * * * *

[(5) The term "related assistance"—

[(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

[(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents.]

(5) The term "related assistance" means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance—

(A) shall include—

(i) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

(ii) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

(iii) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(iv) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims; and

(B) may include prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers.

* * * * * * *

[SEC. 310. (a) There are authorized to be appropriated to carry out the provisions of this title $11,000,000 for fiscal year 1985, $26,000,000 for each of the fiscal years 1986 and 1987, $26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.

[(b) Of the sums appropriated under subsection (a) for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 303.

[(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this Act shall remain available until expended for the purposes for which they were appropriated.]

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of sections 303 through 309 and section 313, $85,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.

(b) SECTION 303(a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 80 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 5 percent shall be used by the Secretary for making grants under section 308.

[SEC. 311. (a) From the amount appropriated pursuant to section 310 for any fiscal year, the Secretary shall make grants and enter into contracts for the purpose of providing regionally-based training and technical assistance to provide the personnel of local and

State law enforcement agencies with means for responding to incidents of family violence.

[(b) Grants and contracts under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Secretary may require by regulation. In selecting grant and contract recipients, the Secretary shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to those applications which proposed projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement officers.

[(2)(A) The Secretary shall award grants or contracts to local law enforcement agencies, acting in coordination with domestic violence shelters, social service agencies and hospitals, for the purposes of—

[(i) the development of materials, to be provided to each abused family member at the time such spouse is identified by law enforcement officers, hospital personnel, social services personnel, education counseling personnel, and other appropriate personnel involved in the identification of family violence cases that include—

[(I) an explanation in basic terms of—

[(aa) the rights of the abused family member under the laws of the jurisdiction involved; and

[(bb) the services available to the abused family member, including intervention, treatment, and support services; and

[(II) phone numbers and addresses for the services described in subparagraph (A)(ii);

[(ii) the development of procedures whereby domestic violence shelter, hospital, social service, or law enforcement personnel provided to an abused family member a written report, relating to each incidence of physical abuse reported by the family member, that includes a description of physical injuries to the family member observed by such personnel; and

[(iii) the development of systems whereby domestic violence shelter or local social service personnel, with the consent of the abused family member involved, may obtain from local law enforcement personnel information relating to abuse of such family member, including a report describing the initial contact of such family member and the law enforcement agency.

[(B) The Secretary shall provide assurances that procedures will be developed under this paragraph to guarantee the confidentiality of the records maintained.

[(c) The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General from funds appropriated under section 310 not in excess of $2,000,000 for each fiscal year to be used for the purpose of making grants under this section.]

SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

(a) IN GENERAL.—The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation when domestic violence is involved;

(C) the use of mandatory arrests of accused offenders;

(D) the discouragement of dual arrests;

(E) the adoption of aggressive and vertical prosecution policies and procedures;

(F) the use of mandatory requirements for presentence investigations;

(G) the length of time taken to prosecute cases or reach plea agreements;

(H) the use of plea agreements;

(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

(K) the restitution of victims;

(L) the use of training and technical assistance to law enforcement and court officials and other professionals;

(M) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

(N) the use of interstate extradition in cases of domestic violence crimes;

(O) the use of statewide and regional planning; and

(P) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation where domestic violence is involved;

(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

(D) the use of training and technical assistance for family law judges and court personnel;

(E) the presumption of custody to domestic violence victims;

(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;

(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

(H) the implementation of supervised visitations that do not endanger victims and their children; and

(J) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and

(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).

(b) ELIGIBILITY.—To be eligible for a grant under this section an entity shall be a statewide nonprofit State domestic violence coalition whose—

(1) membership includes representatives from a majority of the programs for victims of domestic violence in the State;

(2) board membership is representative of such programs; and

(3) purpose is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

(c) ALLOTMENT OF FUNDS.—From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to 1/53 of the amount appropriated for such fiscal year. For purposes of this section, the term "combined U.S. Territories" means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

(d) REPORTING.—Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each fiscal year to be used to award grants under this section.

"(f) REGULATIONS.—Not later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section.

SEC. 312. (a) * * *

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Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after such date of

enactment, the Secretary shall publish final regulations implementing such sections.

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SEC. 313. The Secretary shall, directly or by grant or contract—

(1) develop data on the individual [characteristics relating to family violence] *develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced*;

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"SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

(a) IN GENERAL.—The Secretary may make grants to public or private nonprofit entitles to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

(b) APPLICATION.—No grant, contract, or cooperative agreement, shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

(c) REQUIREMENTS.—An application submitted under subsection (b) shall—

(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

(2) include a complete description of the plan of the application for the development of a public information campaign;

(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

(6) describe the kind, among, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

(7) contain such other information as the Secretary may require.

(d) USE.—A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

(e) CRITERIA.—The criteria for awarding grants shall ensure that an applicant.—

(1) will conduct activities that educate communities and groups at greatest risk;

(2) has a record of high quality campaigns of a comparable type; and

(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

(a) IN GENERAL.—The Secretary, in cooperation with the Attorney General, shall award grants to not less than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

(1) increase the number of prosecutions for domestic violence crimes;

(2) encourage the reporting of incidences of domestic violence; and

(3) facilitate "arrests and aggressive" prosecution policies.

(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

(2) a law or policy that discourages "dual" arrests;

(3) statewide prosecution policies that—

(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

(B) implement model projects that include either—

(i) a "no-drop" prosecution policy; or

(ii) a vertical prosecution policy; and

(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

(4) statewide guidelines for judges that—

(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

(B) discourage custody or joint custody orders by spouse abusers; and

(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing

remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section $25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

(2) LIMITATION.—Funds shall be distributed under this section so that no State shall receive more than $2,500,000 in each fiscal year under this section.

(3) DELEGATION AND TRANSFER.—The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.

Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986

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SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) Applications.—

(1)(A) * * *

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[(vi)] (v) with respect to State agencies described in subparagraph (B), provide documentation of a commitment by all such agencies to develop a State plan for coordination among the agencies in carrying out programs and activities provided by the State pursuant to a grant under section 203.

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SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of this title such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989[, and $20,000,000 for each of the fiscal years 1990 and 1991], *and $20,000,000 for each of the fiscal years 1992 through 1994*. Amounts appropriated under the preceding sentence shall remain available until expended.

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